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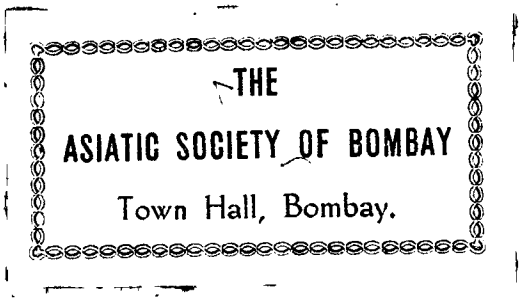

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SPEECHES

OF

THE RIGHT HONOURABLE

CHARLES JAMES FOX.

VOL. IV.

Strahan and Preston,
Printers-street, London.

THE

SPEECHES

OF

THE RIGHT HONOURABLE

CHARLES JAMES FOX,

IN THE

HOUSE OF COMMONS.

IN SIX VOLUMES.

VOL. IV.

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SPEECHES

OF THE

RIGHT HONOURABLE

CHARLES JAMES FOX,

&c. &c.

MR. BEAUFOY'S MOTION FOR THE REPEAL OF THE TEST AND CORPORATION ACTS.

May 8. 1789.

ON this day, Mr. Beaufoy moved the House for a committee to take into consideration so much of the test and corporation acts as related to protestant dissenters. The motion was opposed by Lord North and Mr. Pitt, and supported by Sir Harry Hoghton, Sir James Johnstone, Mr. Fox, Mr. Martin, and Mr. William Smith.

Mr. Fox said, that on the present occasion, he did not feel himself under the necessity of trespassing, for any length of time upon the indulgence of the House; because the nature of the subject now under their investigation had been so thoroughly examined, and so amply and variously reasoned upon, not merely within the walls of parliament, but in every corner of the kingdom, that it was not in his power to give the force of novelty to arguments, the frequency of the repetition of which must still live within the general remembrance. He could not avoid declaring at the outset, that he experienced an insurmountable difficulty in submitting to that opinion of the honourable gentleman who spoke last, (Mr. W. Smith,) which had led him to describe the reasonings of the noble lord in the blue ribband as weak, fallacious, and pompous nothings. Although even the solid and brilliant abilities of the noble lord could not impart an irresistible weight to that side of the question which he had chosen to espouse, yet their exertions were too formidably respectable

to be laid open to the lash of either levity or contempt. He was, however, so much accustomed to find the House adopt a contrary opinion to that which he endeavoured to maintain, that he was apprehensive the noble lord's arguments would have more weight with the majority of the House than his own. Whatever sentiments, gentlemen might have formed with respect to religion, with respect to an established church, to toleration, or to the length to which it ought to extend, there could, in his opinion, be no objection to a motion which went only to a committee of enquiry. If the corporation and test acts should appear to be wrong in their principle, they certainly ought to be repealed; if they were right in their principle, it might, perhaps, be found that they were inadequate to the purpose for which they were enacted. In either case, examination and enquiry might do much good, and could not possibly prove injurious.

The first question which naturally presented itself was, whether the church and the constitution were necessarily connected and dependant on each other, and in what degree? And on this point the House, he trusted, would be careful how they assented to the proposition of the noble lord. For his own part, he should not scruple most unequivocally to declare, that he conceived that religion should always be distinct from civil government, and that it was no otherwise connected with it, than as it tended to promote morality among the people, and thus conduced to good order in the state. No human government had a right to enquire into private opinions, to presume that it knew them, or to act on that presumption. Men were the best judges of the consequences of their own opinions, and how far they were likely to influence their actions; and it was most unnatural and tyrannical to say, "As you think, so must you act. I will collect the evidence of your future conduct from what I know to be your opinions." The very reverse of this was the rule of conduct which ought to be pursued. Men ought to be judged by their actions, and not by their thoughts. The one could be fixed and ascertained, the other could only be matter of speculation. So far was he of this opinion, that if any man should publish his political sentiments, and say in writing, that he disliked the constitution of this country, and give it as his judgment, that principles in direct contradiction to the constitution and government were the principles which ought to be asserted and maintained, such an author ought not, in his judgment, on that account, to be disabled from filling any office, civil or military; but if he carried his detestable opinions into practice, the law would then find a remedy, and punish him for his conduct, grounded on his

opinions, as an example to deter others from acting in the same dangerous and absurd manner. No proposition could, he contended, prove more consonant to common sense, to reason and to justice, than that men should be tried by their actions, and not by their opinions: their actions ought to be waited for, and not guessed at, as the probable consequence of the sentiments which they were known to entertain and to profess. If the reverse of this doctrine were ever adopted as a maxim of government, if the actions of men were to be prejudged from their opinions, it would sow the seeds of jealousy and distrust, it would give scope to private malice, it would sharpen the minds of men against one another, incite each man to divine the private opinions of his neighbour, to deduce mischievous consequences from them, and thence to prove that he ought to incur disabilities, and be fettered with restrictions. This, if true with respect to political, was more peculiarly so with regard to religious opinions; and from the mischievous principle which he had described, flowed every species of party zeal, every system of political intolerance, every extravagance of religious hate.

In this position, that the actions of men, and not their opinions, were the proper objects of legislation, he was supported by the general tenor of the laws of the land. History, however, afforded one glaring exception, in the case of the Roman Catholics. The Roman Catholics, or, more properly speaking, the papists, as the noble lord had very justly called them, (a distinction which, he trusted, was perfectly understood by all who heard him, and would ever be maintained by the English Roman Catholics in time to come,) had been supposed by our ancestors to entertain opinions which might lead to mischief against the state. But was it their religious opinions that were feared? Quite the contrary. Their acknowledging a foreign authority paramount to that of the legislature; their acknowledging a title to the crown superior to that conferred by the voice of the people; their political opinions, which they were supposed to attach to their religious creed, were dreaded, and justly dreaded, as inimical to the constitution. Laws, therefore, were enacted to guard against the pernicious tendency of their political, but not of their religious opinions, and the principle thus adopted, if not founded on justice, was at least followed up with consistency. Their influence in the state was feared, and they were not only restricted from holding offices of power or trust, but rendered incapable of either purchasing lands, or acquiring influence of any kind. But if the Roman Catholics of those times, and not the Roman Catholics of the present day, were papists, in the strictest

sense of the expression, even upon this ground, Mr. Fox observed, that he should hold himself justified in declaring that the legislature ought not to have acted against them, until, by carrying into practice some of the dangerous doctrines which they were thought to entertain, they had rendered themselves obnoxious to those penalties which, in the case of such a perpetration, it threatened to inflict. Disability and punishment ought to have followed, but not to have anticipated, offence.

Those who attempted to justify the disabilities imposed on the dissenters, must contend, if they argued fairly on their own ground, not that their religious opinions were inimical to the established church, but that their political opinions were inimical to the constitution. If they failed to prove this, to deprive the dissenters of any civil or political advantage, was a *manifest* injustice; for, it was not sufficient to say to any set of men, "We apprehend certain dangers from your opinions, we have wisely provided a remedy against them, and you who feel yourselves aggrieved, calumniated, and proscribed by this remedy, must prove that our apprehensions are ill founded." The *onus probandi* lay on the other side; for whoever demanded that any other person should be laid under a restriction, it was incumbent on him first to prove that the restriction was necessary to his safety by some overt act, and that the danger which he apprehended was not imaginary but real. To such a ground as this the noble lord in the blue ribband had not endeavoured to advance; but, on the contrary, had expressed himself concerning the dissenters in terms the most liberal and handsome. For what reason? Because he felt that encomiums of this nature must be considered as a candid adherence to true propriety, and to the principles of common justice. He knew that they had been steady in their attachment to government; that their religious opinions were favourable to civil liberty, and that the true principles of the constitution had been remembered and asserted by them, at times when they were forgotten, perhaps betrayed, by the church.

Such had been the character of the dissenters. Were their political opinions now different from what they had been at any one preceding æra? Were they more formidable from their numbers, more dangerous from their principles, more considerable in any respect, except, perhaps, from the talents of some of their members? No assertion of this kind had been ever made; and the noble lord finding their exclusion from an equal participation of power with their fellow-subjects, a topic on which it was impossible for him to

serve his cause, had entered on a more pleasing theme; a panegyric on the church of England; which, he said, had shared the dangers and the fate of the state, had sunk and risen with the constitution, and therefore ought to be peculiarly endeared to us. He felt no difficulty in acknowledging the justice of this encomium; but he could not consent to adopt the conclusion — that the happiness of the state was dependant on the flourishing state of the church; for who that perused the history of those dangers which the church had shared in common with the state, but must see that the church might have been triumphant, while the state was in ruin? Was it seriously to be contended, that religion depended on political opinions; that it could subsist only under this or that form of government? It was an irreverent and impious opinion to maintain, that the church must depend for support as an engine or ally of the state, and not on the evidence of its doctrines, to be found by searching the scriptures, and the moral effects which it produced on the minds of those whom it was its duty to instruct.

The noble lord had praised the moderation of the church. To this, however, there were some exceptions. In the reign of Charles the Second, her fortitude had been greater than her moderation; in that of James the Second, her servility had been greater than either; under King William, and still more under Queen Mary, so little had the clergy been distinguished for moderation, that they frequently disturbed the nation by their affected alarms for the safety of the church; and he never apprehended persecution to be so near, as when those who were actually possessed of power, cried out that they were in danger; thus justifying the truth of the well-known remark, "Omnia formidant, formidanturque tyranni." Since the accession of the house of Brunswick, that auspicious æra in the history of the constitution, the church had merited every praise, because it had not been indulged in either its whims or its imaginary apprehensions. Since that time, it had flourished and improved; but how? By toleration and moderate behaviour. And how had these been produced? By the members of the established church being forced to hear the arguments of the dissenters; by their being obliged to oppose argument to argument, instead of imposing silence by the strong hand of power; by that modest confidence in the truth of their own tenets and charity for those of others, which the collision of opinions in open and liberal discussion among men living under the same government, and equally protected by it, never failed to produce. Moderation, therefore, and indulgence to other sects, were equally conducive to the happiness of mankind, and the safety of the church;

and for that moderation and liberality of sentiment, by which the church had flourished during the two last reigns and the present, was she indebted to those very dissenters from whom she thought herself in danger.

With regard to the test act, he thought that the best argument which could be used in its favour was, that if it had but little good effect, it had also little bad. In his opinion, it was altogether inadequate to the end which it had in view. The purport of it was, to protect the established church, by excluding from office every man who did not declare himself well affected to that church. But a professed enemy to the hierarchy might go to the communion table, and afterwards say, that in complying with a form enjoined by law, he had not changed his opinion, nor, as he conceived, incurred any religious obligation whatever. There were many men, not of the established church, to whose services their country had a claim. Ought any such man to be examined before he came into office, touching his private opinions? Was it not sufficient that he did his duty as a good citizen? Might he not say, without incurring any disability, "I am not a friend to the church of England, but I am a friend to the constitution, and on religious subjects must be permitted to think and act as I please." Ought their country to be deprived of the benefit which she might derive from the talents of such men, and his majesty prevented from dispensing the favours of the crown, except to one description of his subjects? But, whom did the test exclude? the irreligious man, the man of profligate principles, or the man of no principle at all? Quite the contrary; to such men the road to power was open; the test excluded only the man of tender conscience; the man who thought religion so distinct from all temporal affairs, that he held it improper to profess any religious opinion whatever, for the sake of a civil office. Was a tender conscience inconsistent with the character of an honest man? or did a high sense of religion shew that he was unfit to be trusted?

But the noble lord contended, that the established church ought to be protected. Granting this, it was next to be enquired, what was the established church? Was the church of England the established church of Great Britain? Certainly not; it was only the established church of a part of it; for, in Scotland, the kirk was as much established by law, as the church was in England. The religion of the kirk was wisely secured as the established religion of Scotland by the articles of union; and it was surely absurd to say, that a member of the kirk of Scotland, accepting an office under government, not for the service of England

exclusively, but for the service of the united kingdoms, should be obliged to conform, not to the religious establishment of Scotland, in which he had been bred, but to the religious establishment of England. It was singular to contend for any principle of persecution, when the only principle on which it could ever have been reconciled to a rational mind was abandoned, not only in speculation, but in practice. In ancient times, persecution originated in the generous, though mistaken principle, that there could be but one true religion, but one faith, by which men could hope for salvation; and that it was not only lawful but meritorious, to compel them to embrace the true faith, by all the means, of whatever nature they might prove, which offered. The rectitude of the intention might, perhaps, be some excuse for the barbarity of the practice. But how did we act? We acknowledged, not one true religion, but two true religions; a religion for England, and a religion for Scotland; and having been originally liberal in the institution of two churches of equal right, we became illiberal in our more enlightened days, and granted to the members of one established church, what we denied to those of another, equally established. According to this doctrine of protecting the church of England, if the practice had kept pace with the principle, the country must have been deprived of all those gallant characters of the kirk of Scotland, who had so eminently distinguished themselves in the army and the navy; and of all those celebrated legislators and senators who had added learning and dignity to the courts of justice, and wisdom to his majesty's councils. If tests were right, the present was clearly a wrong test, because it shunned all the purposes for which tests were originally introduced.

The candour of the noble lord, and the information which, doubtless, he had collected upon enquiry since, Mr. Fox said, had enabled him to satisfy the House in a point which had not been answered two years ago, and that was, in the case of a person who was a notorious evil doer, who applied for the sacrament. The manner of the noble lord's answer was rational, and, from the good sense of it, he had no doubt that it was the true answer; but, upon this ground, it might be proper to take a serious view of the melancholy situation of the person who, upon application to a minister, had been refused the sacrament. From that very moment, did he incur the penalties of the act; from that moment, was he punished in a manner perfectly unexampled, and unauthorised by the laws of the land; from that moment, was he convicted without a trial by jury, and disabled from enjoying an office which his majesty, in the legal exercise

of his prerogative, might have thought proper to confer upon him.

Much boasted reliance had been placed upon the old argument of the length of time that the test and corporation acts had subsisted. It was true, that they had so subsisted for nearly a century: but how had they subsisted? By repeated suspensions; for the indemnity bills were, he believed, literally speaking, annual acts. With regard to the noble lord's argument relative to the evading of these indemnity bills, he admitted, that if any person neglected to conform merely for the sake of evading the law, he certainly acted in direct opposition to an act of parliament, and did not conduct himself as a good subject ought to do. While an act was deemed fit to remain in force, it was the duty of every good subject not to evade it. Indeed, the only justification of evading a statute which could be for a moment maintained, was, where that statute notoriously ought not to remain in force. He trusted, however, that the House would consent to go into the committee, to examine whether it was fitting or necessary to be repealed or not, and not deny the requisition, as if they were ashamed even to look at the statutes in question. He trusted that it was scarcely necessary to remind the House that, in consequence of a violent alarm from the papists, the test act had been introduced, with a view to exclude them, and them only, from office; that the dissenters had cordially joined in it, and consented to their own exclusion, thinking that a less evil than to leave the door open to papists. And is it possible, therefore, (added Mr. Fox,) that you can thus ungenerously requite them; thus take a most unbecoming advantage of their patriotism, and convert what they consented to as necessary for the general safety at that time, into a perpetual exclusion against themselves! Is it thus that the church would reward the service which they had done her in the day of her distress!

Adverting to the Occasional Conformity act, which had been repealed a few years since, Mr. Fox observed, that they had heard, during the course of the debate, that the church of England was in its glory. The church of England, therefore, according to the arguments of the noble lord, and the advocates for the continuance of the statutes, which, he contended, were at once too needless and too unjust to remain in force any longer, had not suffered, but gained by what they feared would have proved detrimental to her interests. The dissenters had been stated to be pious and good men; but it had been said, that they might nevertheless be no friends to the church of England. Surely, if they were dangerous any where, it must be as members of parliament, and

as electors of the representatives of the people; and yet they were suffered to sit as the one, and vote as the other. Mr. Fox declared that, for his own part, he was a friend to an established religion in every country, and wished that it might always be that which coincided most with the ideas of the bulk of the state, and the general sentiments of the people. In the southern parts of Great Britain, hierarchy was the established church, and in the northern, the kirk; and for the best possible reason, because they were each most agreeable to the majority of the people in their respective situations. It would, perhaps, be contended, that the repeal of the corporation and test acts might enable the dissenters to obtain a majority. This he scarcely thought probable; but it appeared fully sufficient to answer, that if the majority of the people of England should ever be for the abolition of the established church, in such a case, the abolition ought immediately to follow.

To the opinion of the honourable gentleman who opened the debate, that there were too many oaths imposed by the statutes in force, Mr. Fox observed that he most thoroughly assented. What, he desired to know, could be a greater proof of the indecency resulting from the practice of qualifying by oaths, than if, when a man was seen upon the point of taking the sacrament, it should be asked, "Is this man *going to* make his peace with Heaven, and to repent him of his sins?" the answer should be, "No; he goes to the communion table, only because he has lately received the appointment of first lord of the treasury!" When the noble lord in the blue ribband represented the corporation act to have been forced from the legislature as an act of self-defence, he might truly be said to have entered into the exact description of an act which, after the lapse of a century, when the grounds and reasons for passing it no longer existed, ought to be repealed. The noble lord had accurately stated, that the corporation act was forced from the legislature in the reign of Charles the second, by the violence of the sectaries, which had not only overturned the church, but the state, and that so lately, that threatening to do the same again, it became necessary to apply a present preventive, to guard against the impending danger. No better argument, he repeated, need be urged against it now, than that it had been extorted a century ago from the legislature, by resentment of past and the dread of future injuries. Fear and indignation had operated on the parliament of Charles the Second. Did the same motives operate on the parliament of George the Third? Certainly not; and could there be any reason for continuing an act, when the violence which gave birth to it

had, long since, subsided? Party and religion were separate in their views and in their nature; and as it was for the reputation of both that they should remain so; he therefore urged the injustice of harassing with penalties, disabilities, and statutable restrictions, the dissenters; a respectable body of men, whose morals were not inconsistent with the religion of the church of England, and whose sentiments were favourable to the family on the throne.

It had been said, that in France it was customary for protestants to be employed in the army and in civil offices, and that in protestant countries abroad, papists were also employed. For the purpose of invalidating this remark, the noble lord had given an ingenious and able answer; but let it be examined. The noble lord had said, that the monarch of a free country was limited, while the employing whom the prince pleased was one of the trivial advantages incidental to absolute power. Let not, then, Great Britain be the last to avail herself of such an advantage. Wisdom had been described as the offspring of freedom; and should a people, who boasted of their freedom, and amongst whom, he firmly believed, men of enlightened understandings were more common than among those who lived under a less happy form of government, reject those liberal principles of toleration which other nations had adopted? It was upon such a ground that, addressing himself to the church of England in particular, he felt himself justified in accosting her, as a friendly adviser, in language to this effect;

"Tuque prior, tu parce, genus qui ducis Olympo!"

And surely the church of England ought, if possible, more than any other ecclesiastical establishment upon earth, practically to inculcate the glorious idea that indulgence to other sects, the most candid allowance for the diversity of their opinions, and a sincere zeal for the advancement of mutual charity and benevolence, were the truest and the happiest testimonies which she could give of the divine origin of her religion! Mr. Fox concluded with giving his hearty assent to the motion.

The House divided.

	Tellers.			*Tellers.*	
YEAS	Mr. Plumer Lord Maitland	102.	NOES	Mr. G. A. North Sir W. Dolben	142.

So it passed in the negative.

Abolition of the Slave Trade.

May 12.

THE consideration of the slave trade, which in conformity to a resolution passed by the House of Commons last year, ought to have been resumed early in the present session, was, on account of the peculiar circumstances of the times, deferred till the 12th of May. A large and elaborate report from the privy council was laid upon the table, and several petitions, both for and against the proposed abolition of the trade, were presented to the House. These papers were this day referred to a committee of the whole House to consider of the circumstances of the slave trade; in which committee Mr. Wilberforce concluded a speech of extraordinary merit, with moving the following twelve resolutions:

1. "That the number of slaves annually carried from the coast of Africa, in British vessels, is supposed to be about 38,000. That the number annually carried to the British West India islands, has, on an average of four years, to the year 1787 inclusive, amounted to about 22,500. That the number annually retained in the said islands, as far as appears by the custom house accounts, has amounted, on the same average, to about 17,500.

2. "That much the greater number of negroes, carried away by European vessels, are brought from the interior parts of the continent of Africa, and many of them from a very great distance. That no precise information appears to have been obtained of the manner in which these persons have been made slaves. But that from the accounts, as far as any have been procured on this subject, with respect to the slaves brought from the interior parts of Africa, and from the information which has been received respecting the countries nearer to the coast, the slaves may in general be classed under some of the following descriptions: 1st, Prisoners taken in war. 2nd, Free persons sold for debt, or on account of real or imputed crimes, particularly adultery and witchcraft; in which cases they are frequently sold with their whole families, and sometimes for the profit of those by whom they are condemned. 3rd, Domestic slaves sold for the profit of their masters; in some places at the will of the masters, and in some places on being condemned for real or imputed crimes. 4th, Persons made slaves by various acts of oppression, violence, or fraud, committed either by the princes and chiefs of those countries on their subjects, or by private individuals on each other; or lastly, by Europeans engaged in this traffic.

3. "That the trade carried on by European nations on the coast of Africa, for the purchase of slaves, has necessarily a tendency to occasion frequent and cruel wars among the natives, to produce unjust convictions and punishments for pretended or aggravated crimes, to encourage acts of oppression, violence, and fraud, and

to obstruct the natural course of civilization and improvement in those countries.

4. "That the continent of Africa, in its present state, furnishes several valuable articles of commerce highly important to the trade and manufactures of this kingdom, and which are in a great measure peculiar to that quarter of the globe; and that the soil and climate have been found, by experience, well adapted to the production of other articles, with which we are now either wholly, or in great part, supplied by foreign nations. That an extensive commerce with Africa in these commodities, might probably be substituted in the place of that which is now carried on in slaves, so as at least to afford a return for the same quantity of goods as has annually been carried thither in British vessels. And lastly, that such a commerce might reasonably be expected to increase in proportion to the progress of civilization and improvement on that continent.

5. "That the slave trade has been found, by experience, to be peculiarly injurious and destructive to the British seamen who have been employed therein; and that the mortality among them has been much greater than in his majesty's ships stationed on the coast of Africa, or than has been usual in British vessels employed in any other trade.

6. "That the mode of transporting the slaves from Africa to the West Indies necessarily exposes them to many and grievous sufferings, for which no regulation can provide an adequate remedy; and that, in consequence thereof, a large proportion of them has annually perished during the voyage.

7. "That a large proportion of the slaves so transported, has also perished in the harbours in the West Indies, previous to their being sold. That this loss is stated by the assembly of the island of Jamaica at about four and a half per cent. of the number imported; and is, by medical persons of experience in that island, ascribed, in great measure, to diseases contracted during the voyage, and to the mode of treatment on board the ships, by which those diseases have been suppressed for a time, in order to render the slaves fit for immediate sale.

8. "That the loss of newly imported negroes, within the first three years after their importation, bears a large proportion to the whole number imported.

9. "That the natural increase of population among the slaves in the islands, appear to have been impeded principally by the following causes: 1st, The inequality of the number of the sexes in the importations from Africa. 2nd, The general dissoluteness of manners among the slaves, and the want of proper regulations for the encouragement of marriages, and of rearing children. 3rd, Particular diseases which are prevalent among them, and which are in some instances attributed to too severe labour or rigorous treatment, and in others to insufficient or improper food. 4th, Those diseases which affect a large proportion of negro children in their infancy, and those to which the negroes newly imported from Africa have been found to be particularly liable.

10. "That the whole number of slaves in the island of Jamaica, in 1768, was about 167,000; that the number in 1774, was stated by Governor Keith about 193,000; and, that the number in December 1787, as stated by Lieut. Governor Clarke, was about 256,000. That, by comparing these numbers with the numbers imported into and retained in the island, in the several years from 1768 to 1774 inclusive, as appearing from the acounts delivered to the committee of trade by Mr. Fuller; and in the several years from 1775 inclusive, to 1787 also inclusive, as appearing by the accounts delivered in by the inspector general; and allowing for a loss of about one twenty-second part by deaths on ship board after entry, as stated in the report of the assembly of the said island of Jamaica, it appears, That the annual excess of deaths above births in the island in the whole period of nineteen years, has been in the proportion of about seven-eighths per cent., computing on the medium number of slaves in the island during that period. That in the first six years of the said nineteen, the excess of deaths was in the proportion of rather more than one on every hundred on the medium number. That in the last thirteen years of the said nineteen, the excess of deaths was in the proportion of about three-fifths on every hundred on the medium number; and that a number of slaves, amounting to 15,000, is stated by the report of the island of Jamaica to have perished, during the latter period, in consequence of repeated hurricanes, and of the want of foreign supplies of provisions.

11. "That the whole number of slaves in the island of Barbadoes was, in the year 1764, according to the account given in to the committee of trade by Mr. Braithwaite, 70,706. That in 1774, the number was, by the same account 74,874. In 1780, by ditto, 68,270. In 1781, after the hurricane, according to the same account, 63,248. In 1786, by ditto, 62,115. That by comparing these numbers with the number imported into this island, according to the same account, (not allowing for any re-exportation) the annual excess of deaths above births, in the ten years from 1764 to 1774, was in the proportion of about five on every hundred, computing on the medium number of slaves in the island during that period. That in the seven years from 1774 to 1780, both inclusive, the excess of deaths was in the proportion of about one and one-third on every hundred, on the medium number. That between the year 1780 and 1781, there appears to have been a decrease in the number of slaves of about five thousand. That in the six years from 1781 to 1786, both inclusive, the excess of deaths was in the proportion of rather less than seven-eighths in every hundred, on the medium number. And that in the four years from 1783 to 1786, both inclusive, the excess of deaths was in proportion of rather less than one third in every hundred on the medium number. And that during the whole period there is no doubt that some were exported from the island, but considerably more in the first part of this period than in the last.

12. "That the accounts from the Leeward Islands and from Dominica, Grenada, and St. Vincent's, do not furnish sufficient grounds for comparing the state of population in the said islands

at different periods, with the number of slaves which have been from time to time, imported into the said islands, and exported therefrom. But that from the evidence which has been received respecting the present state of these islands, as well as of Jamaica and Barbadoes, and from a consideration of the means of obviating the causes which have hitherto operated to impede the natural increase of the slaves, and of lessening the demand of manual labour, without diminishing the profit of the planter, it appears that no considerable or permanent inconvenience would result from discontinuing the farther importation of African slaves."

Mr. Wilberforce was most ably supported by Mr. Burke. Mr. Pitt was willing that the resolutions should be entered on the journals.

Mr. Fox having premised that he had listened to the course of this debate with a pleasure equal to any which he had felt during the progress of other important and well-conducted investigations, added, that with regard to the plan of laying the propositions before the House, where he was agreed as to the substance of a measure he did not like to differ as to the form of it. If, however, he differed in any thing, it was rather with a view to forward the business than to injure it, or to throw any thing like an obstacle or impediment in its way. Nothing like either should come from him. What he thought was, that all the propositions were not necessary to be voted, previous to the ultimate vote, though some of them undoubtedly were. In order to explain this he must beg leave to remind the honourable gentleman, that the propositions were of two sorts: one sort alleged the fit grounds on which the House ought to proceed to abolish the slave trade, which were, that it was a disgrace to humanity, and that it was attended with the loss of lives to our seamen, as well as to the Africans. Another sort contained assertions in answer to the objections which either had been stated, or were supposed likely to be stated. The putting such resolutions on their journals might create a difficulty to foreign powers, because that which might be a matter of objection to Great Britain might not be so to any other country.

Mr. Fox applauded Mr. Wilberforce for professing to do, what he thought it their duty to do, completely to abolish the traffic in slaves, a traffic for continuing which on no ground either a plea of policy or necessity could be urged. Wherever an effectual remedy could not be had, Mr. Fox said, he approved of a palliative, because something like a remedy was better than no remedy at all; in the present case, an effectual remedy was not only more desirable, but it was much less difficult to be obtained than a palliative. He was glad that the propositions were to be put upon the journals,

because if, from any misfortune, the business should fail, while it stood upon the journals, it might succeed another year; certain he was, that it could not fail to succeed sooner or later. Foreign countries, when they heard that the matter had been discussed in that House, might follow the example, or they might go before us, and set one themselves. If this were to happen, though we might be the losers, humanity would be the gainer.

Mr. Fox reminded the House, that he had always been particularly sanguine, that whenever they examined the slave trade thoroughly, they would find it not only inhuman, but impolitic. From what the honourable gentleman who had submitted the propositions to their consideration, had said, it was clear, there was as little policy as humanity in the trade. But he had risen chiefly to notice what had fallen from the right honourable the chancellor of the exchequer respecting the probability of foreign nations assuming the slave trade on our abandoning it, and in an illicit manner supplying our West India islands with slaves. He had intended to have risen to have said the very same thing, because he was convinced that it was the fit tone to be held upon such a subject, and that foreign nations should be given to understand, that when this country thought proper to abolish the slave trade, we had resources among us to prevent that trade from being carried on in any manner with our colonies. With the idea of an honourable baronet, who declared that a clandestine trade in slaves was worse than a legal one, he could not coincide. He thought that such a trade, if it existed at all, should be only clandestine. A trade in human flesh was so scandalous, that it was to the last degree infamous to let it be openly carried on by the authority of the government of any country. He had sometimes been thought to use too harsh expressions of France, in treating her as the rival of this country. Politically speaking, France certainly was our rival; but he well knew the distinction between political enmity and illiberal prejudice. If there was any great and enlightened nation now existing in Europe, it was France, which was as likely as any nation on the face of the globe, to act on the present subject with warmth and with enthusiasm; to catch a spark from the light of our fire, and to run a race with us in promoting the ends of humanity. France had been often improperly stimulated by her ambition; he had no doubt but that she would, in the present instance, readily follow its honourable dictates.

Mr. Grenville the Speaker (now Lord Grenville) said he thought that great advantage would be derived to the question, from its

being thoroughly discussed, and therefore was peculiarly happy that Mr. Wilberforce had introduced the grounds of it in distinct propositions. With regard to our colonies, we were bound, Mr. Grenville said, to assert our right to prevent our islands from having either directly or indirectly, any farther connection with a trade which we had thought it our duty to abandon, as unfit to be carried on. That, he said, was, as Mr. Fox had termed it, the proper tone to assume to all Europe on such a subject.—The House afterwards sat for some days in a committee, to hear the evidence offered by the petitioners interested in the slave trade; and after some progress therein, adjourned the farther consideration of the matter to the next session. The bill brought in by Sir William Dolben, for regulating the transportation of slaves from Africa to the West India islands was, by another act continued and amended.—In the course of a debate on the 21st of May, on a motion for going into the committee,

Mr. Fox took occasion to observe, that with regard to the abolition of the slave trade, he felt no difficulty in saying, that, without having seen one tittle of evidence, he should have been for the abolition. With respect to a regulation of the trade, a detestation of its existence must naturally lead him to remark, that he knew of no such a thing as a regulation of robbery or a restriction of murder. There was no medium; the legislature must either abolish the trade, or avow their own criminality.

Choice of a Speaker.

June 8.

Lord Sydney having resigned the office of secretary of state for the home department, the right honourable William Wyndham Grenville was immediately appointed in his room. This having occasioned a vacancy in the chair of the House of Commons, Mr. Henry Addington was proposed for that high office by the Marquis of Graham, and Sir Gilbert Elliot by Mr. Welbore Ellis. After Mr. Addington and Sir Gilbert Elliot had addressed the House,

Mr. Fox rose and observed, that it was scarcely possible for any liberal mind to avoid feeling concern, when called upon to give judgment, to be governed by considerations altogether personal: to him it was peculiarly painful, but, on the present occasion, it would be less difficult for him, from the very

just, the very fair, and the very handsome manner in which the two gentlemen had been pleased to speak of each other. He had had little opportunity of judging for himself of the abilities of the honourable gentleman who had first been named that day; but all that he heard from others had been much to his advantage. The noble marquis, in his opinion, had introduced his motion with a speech not the most happily adapted to the occasion; he knew not whether the noble marquis had said that the late Speaker was placed in a state for which he was better suited, as a matter of judgment, and from an idea that it would be proper for his purpose to lower the situation to which he meant to recommend the honourable gentleman, in order to induce the House to support his recommendation. Mr. Fox added, that he must, on the present occasion, give his reasons why he did not think that the House would act prudently, if they should prefer the honourable gentleman over the way to Sir Gilbert Elliot. On such occasions as the present, the question necessarily became a question of comparison; as such, in what he should say, he meant always to consider it, and not as a question of positive approbation. Much had been said in favour of the honourable gentleman over the way, and he believed with truth. It was contended that he had considerable talents; he believed that the honourable gentleman had; but all knew that the honourable baronet had considerable abilities likewise. It had been said that the honourable gentleman had been bred to the law. They were not to be told that Sir Gilbert Elliot had been bred a lawyer; in fact, they knew that the honourable baronet had every advantage which the honourable gentleman possessed. His mildness of temper they well knew. What, then, was the question, but whether the House should trust to qualities which they knew, or whether they should rely on the opinion of others as to qualities which they did not know whether they were possessed or not? What confidence, or what portion of confidence, was to be placed in the opinion of the honourable gentleman's friends, were questions which he should beg leave to wave. Where there was an equally good opinion given of two gentlemen, the House might feel some difficulty; but, in the present instance, they could feel none. The gentlemen over the way desired the House to rely on what they said in favour of the honourable gentleman; they, on the contrary, who spoke in favour of Sir Gilbert Elliot, desired the House not to trust to what they said, but to act upon what the House itself knew. The question therefore was, whether they should take good qualities by their knowledge of them, or from conjecture? Perhaps the nomination of that day might be made merely

as a proof of power in some persons, and a wish to shew the confidence of the House in the gentlemen on the other side. If so, it was a call upon the confidence of the House, which was by no means justifiable; and when confidence degenerated into such an arbitrary use of it, it became an abuse. Mr. Fox declared that he should consider himself as exceedingly unfortunate, were he to be considered as having said any thing which might be thought disrespectful or uncivil to the honourable gentleman. He had heard much in his praise, and he believed it to be true; he only observed, that Sir Gilbert Elliot was a gentleman, whose talents and qualifications were known to the House, and in that case they could speak from a well-grounded confidence; in the other, only from the most favourable suppositions.

After the appointment of Mr. Addington to the Chair had been supported by Mr Pitt, and that of Sir Gilbert Elliot by Mr. Burke, the House divided on the question, "That Henry Addington do take the Chair of this House as Speaker."

Teller. *Teller.*

YEAS, Mr. Robert Smith, 215.—NOES. Mr. Grey, 142.

So it was resolved in the affirmative.

MR. SHERIDAN'S MOTION FOR A COMMITTEE ON THE STATE OF THE PUBLIC INCOME AND EXPENDITURE.

July 10.

THIS day Mr. Sheridan moved, "That a committee be appointed to enquire into the state of the public income and expenditure, the progress actually made in the reduction of the national debt since the year 1786, and into the grounds on which a reduction of the same may be expected in future, and to report the same, with their observations thereon, to the House; and that the said committee do consist of Henry Bankes, Esq. Daniel Parker Coke, Esq. George Dempster, Esq. William Drake, jun. Esq. William Hussey, Esq. Sir William Lemon, Baronet, James Lowther, Esq. James Martin, Esq. Mr. Alderman Newnman, Edward Phelips, Esq. Charles Anderson Pelham, Esq. Thomas Stanley, Esq. Sir George Augustus William Shuckburgh, Baronet, Mr. Alderman Watson, and the Earl of Wycombe." In the course of a long and able speech, Mr. Sheridan undertook to prove the four following propositions: 1. "That the report of the committee, appointed in 1786, to examine and state the several accounts relating to the public income and expenditure, and to report the probable amount of the income and expenditure in future, does not appear to

have been founded in fact, nor verified by experiment. 2. That, for the three last years, the expenditure has exceeded the income two millions, and may be expected to do so for three years to come. 3. That no progress has hitherto been made in the reduction of the public debt. 4. That there is no ground for rational expectation, that any progress can be made without a considerable increase of the annual income, or reduction of the expences." The report of the committee of 1786 was defended by Mr. Secretary Grenville, who had been the chairman thereof.

Mr. Fox remarked, that under the conviction of his inability to afford the same instruction and entertainment as the two last honourable gentlemen, he should have remained silent had not the business struck him in a different point of view from any in which it had hitherto been examined. The right honourable secretary had argued in a manner that appeared to him to be rather extraordinary. He had said, "I know I am right, therefore let me deprecate a committee, where alone it can be proved whether I am right or not, and I beg you to rely on my assertions." Mr. Fox said, that where there was the opposition of assertions from different gentlemen it was extremely difficult how to act, but he could not help being inclined to rely on the statement of his honourable friend. He perceived that there were two grounds of difference between the statement of his honourable friend and that of the right honourable gentleman; the first of these was, that his honourable friend had rested his calculations on the average of three years, and the right honourable secretary had rested his arguments on an average of two years only. Of these two he liked an average of three years best, because all averages were the better the greater the number of years they included; but it was a curious reason that the right honourable gentleman had assigned for omitting the year 1786, it was because trade had been in a state of stagnation during that year, on account of the commercial treaty then pending with France. That was the very reason why the year 1786 should have been included, for it was admitted that the imports in the year 1787 had risen very considerably. Those imports clearly were what belonged to the year 1786, and would have been then made but for the commercial treaty. So that the year 1787 might be said to have in its pocket a considerable sum, the property of the year 1786. The right honourable secretary had thought proper to observe that he suspected that the 100,000*l.* for the army would be a permanent establishment. If so, it made a difference of 200,000*l.* in addition; because if the House had voted 100,000*l.* expenditure, the right honourable the chancellor of the exchequer ought to have provided an adequate aid of 100,000*l.* income, and not having done so

it was an addition to the national debt of 200,000*l.* in time of peace.

Mr. Fox took notice that the right honourable secretary had said, that the day was not yet come when the estimate of expenditure was to be looked for as the level of the peace establishment, nor would it arrive before the year 1791; and therefore the addition of 100,000*l.* for the army was not to be found fault with. Was it meant, then, that the national debt was to be loaded as much as gentlemen on the other side pleased in the interim? The definitive treaty of peace, he believed, was signed in 1783, and in the interim, between the conclusion of the peace and four years following it, were we to borrow what we pleased? He desired to know if that was so understood? There was a great difficulty in proving these expences to be only temporary, and he shrewdly suspected that they would prove permanent.

The argument of the right honourable secretary, relative to the cause of the encrease of the army, had been fallacious. He had asked, if we entered into foreign alliances ought they not to be enabled to keep faith with their allies? Most undoubtedly they ought; but the 100,000*l.* was not wanted on account of the Hessian treaty; it was for the sending additional troops to India and the West India islands. Besides, that was, he believed, the first time that ever it was deemed necessary to increase the army on account of foreign alliances. A contrary doctrine had ever prevailed; the stronger your strength by alliance, the less the necessity for a large army. Every man knew that alliances were less likely to increase the army than the navy. But he chiefly disliked the fallacy of ministers in affecting that they had a surplus over and above their establishments. Had they come down to that House in 1786, and said, to use a vulgar phrase, "We can barely make both ends meet, and have not enough for surplus, therefore we cannot yet proceed to provide for paying off the national debt," he should have applauded their conduct, and have answered, that they thought too lowly of the resources of the country, and could and might, by imposing additional burthens on the people, which it was their duty to do, furnish a surplus. Then their conduct would have been manly and honest.

The right honourable secretary had observed that his honourable friend had ridiculed the extraordinary resources of the preceding session. Now, his honourable friend, he believed, had only ridiculed such of them as were extravagantly disproportioned to the object which they were proposed to meet. He certainly had not ridiculed them all. He did not, for instance, ridicule lotteries, and had never disputed the fact, that four lotteries at 150,000*l.* profit to government,

would yield 600,000*l.* in four years. He had, indeed, arraigned lotteries as a source of revenue, unless in cases of great exigency, and condemned them as destructive to the morals and integrity of the people. Mr. Fox observed that this was one of the very few points in which he differed from his honourable friend. He was not yet prepared wholly to object to lotteries as a means of revenue, and an object of taxation. He repeated, that it was the fallacy of the arguments of gentlemen on the other side that he complained of; since, in respect to the miscellaneous services, every act of administration shewed that they were likely to be increased rather than reduced.

Mr. Fox spoke again of the amazing increase of the navy debt, and remarked that the right honourable secretary had said, "We have a fine navy, and no man can speak of the expence with regret and sorrow." No man doubted it, but it went not in the least to the argument. What they had all heard, he hoped, would make that House a little more cautious and doubtful how they relied too implicitly on the statements of ministers in future. Without meaning to dilate on what had fallen from his honourable friend, he declared that of all the admirable things which he had heard him say in that House, none had excited his admiration more than some of his observations upon the operation of the national debt on the constitution. He asked, was the right honourable secretary ready to answer his honourable friend's question on the subject of the omission of new taxes? The minister who did not consider unforeseen expences as a great part of his expenditure would be much deceived. Mr. Fox spoke of the debts, and particularly of that due to the American loyalists, who had every claim to their generosity and their justice. They held national bonds upon the good faith of parliament, and must be satisfied. With regard to the million borrowed, that was an additional annuity, and so far an addition to the debt, for, in fact, we owed no capital but only annuities.

Mr. Fox pressed the House to go to a committee with the accounts, in order to decide what was the income, what the expenditure, and what the state of the debt. It had been said to him, "Do you compare the situation of this country with that of France." Heaven forbid that he should! But we might take warning by the situation of France, not to delude the people of this country as to the state of their finances. It might be true, that with regard to the finances of France the people were deluded as to millions, when this country could only be deluded as to thousands. A committee would remove all doubts, and put an end to error. He believed that there were some who heard him who would rather have

the constitution of this country joined to the finances of France, than the constitution of France joined to the finances of this country. Let us take warning by what was to happen there! The ruined finances of France might produce the freedom of France! Let us take care that the abuses of our public credit did not produce the ruin of our constitution, and entail slavery upon us! Their financial deceit was engrafted on arbitrary power; our public credit on our free constitution. In France it was the deformed son of an accursed parent who would restore freedom by committing parricide.

The motion was negatived without a division.

Tobacco Excise Bill.

July 15.

On the 16th of June, Mr. Pitt, pursuant to a notice he had given upon the opening of the budget, submitted to the House his plan for transferring the duties on tobacco from the customs to the excise. Tobacco being a commodity of general consumption, might, he said, be rendered a productive source of revenue, but under the present regulations and duties was an article of smuggling, and indeed the principal subject of contraband trade, since the late regulations concerning tea, wines, and spirits. It appeared on inquiry, that one half of the tobacco consumed in the kingdom was smuggled, and that the revenue was defrauded by this means to the amount of nearly 300,000l. To remedy this evil the most effectual means would be to subject the greater part of the duty on tobacco to the survey of excise: the peculiar benefit of this change in the mode of collection, had been very clearly exemplified in the article of wine: the manufacturers would no doubt make objections to the present proposition, as the dealers in wine had done respecting the change in the duties upon their merchandize: but though they were to be heard with candour, assertions affecting their own interests were to be scrutinized with strictness, and to be no farther admitted than they were supported with collateral proof. Mr. Pitt obtained leave to bring in the bill. The plan, however, occasioned a general alarm amongst the manufacturers of tobacco, and petitions were presented against it from various quarters. On the report of the bill being brought up, on the 15th of July, a clause was offered to be added to the bill, by Sir Watkin Lewes, declaring, "that persons aggrieved by a determination of the commissioners of excise, or justices of the peace, may bring an action of trespass against such commissioners or justices, in which action the condemnation or

conviction shall not be pleaded in bar, or in abatement, or given in evidence on the trial of such action, but that such action shall be tried as if no such condemnation or conviction had been made." Upon this occasion,

Mr. Fox remarked, that he felt it impossible to discover, without concern, that many persons, blinded by a species of political phrenzy, were thrown into so superstitious a reverence for the revenue, that they would sacrifice every point for such an object. If it were true, that all the rigour of the excise laws was necessary for the protection of the revenue, then the bill as it stood was to be justified, admitting, what he never could agree to, its principle to be right; but if it was true, that trial by jury could be allowed without injury to the revenue, how could there be a doubt but that it ought at least to be resorted to as an experiment? The tobacco manufacturers not having the excise laws applied to them before, had every right and claim of justice to the utmost latitude of legislative indulgence. Their case was distinct and different from that of other trades long since subjected to excise laws. If it failed of the wished-for effect, and the excise was defeated of its object, the security of the revenue, and it should be found that the failure was owing to the fraudulent conduct of the manufacturers of tobacco and snuff, then they would only deprive them of their birth-rights, which ought never to be done but in cases of the most urgent necessity. As to the multiplicity of causes, men who thought that they should not get redress, were not likely to apply for justice. But it was a matter which would be brought to a question of fact, and if there should arise a multiplicity of causes, it would, doubtless, be at the beginning. As to the question, whether the tobacco manufacturers merited any particular indulgence; undoubtedly, they did not merit any particular indulgence; they did not claim it; but surely, they did not merit any particular hardships. When they talked in that House, day after day, of the birth-rights of Englishmen, for which they had shed their blood, and were ready to shed it again, did they mean nothing but empty sounds? The lateness of the session, the scanty attendance of members, and the impossibility of his doing any good, Mr. Fox said, had been his reasons hitherto for not troubling the House with any remarks on the subject; but he could wish gentlemen to consider, that the extension of the excise laws was a very important object, and that bringing such a measure forward at that time of the year, when it could not be properly discussed, betrayed a most inexcusable indifference for the rights and liberties of their countrymen.

On a division, the clause was negatived by a majority of 65 to 16. On the motion for engrossing the bill, Mr. Alderman Watson said that the present was the stage of the bill at which he should make his stand, that he had opposed it upon its principle and in detail, but that he had not harassed it with a captious opposition. Mr. Sheridan could have wished that gentlemen had contented themselves with making their opposition to the bill in the manner they thought best, without obliquely conveying reflexions on the conduct of those who had acted differently. Mr. Henry Thornton said, that being an enemy to the bill, he had often lamented that Mr. Fox and many other of his friends who were equally adverse, had not come down to the House upon so popular, as well as proper, an occasion, but had delayed their opposition so long, that there was now no hope of its being effectual. On the day the business was first opened to the House, the members for the metropolis and its neighbourhood were all absent, except himself, at the commemoration of the repeal of the shop tax, and he had also been under a considerable dilemma, whether to obey the request of some of his constituents, who called his attention to the tobacco bill, or the request of others, who invited him at the same time to the said commemoration.

Mr. Fox remarked, that the honourable gentleman had talked of the best mode of opposing a measure; but, for his part, he thought it was the duty of every man to oppose what he thought fit to be opposed, in the manner in which he conceived his opposition could be most effectually applied. He did not wonder at what his honourable friend (Mr. Sheridan) had said, when the honourable gentlemen behind him had declared that they took their stand there, and did not approve of harassing the bill, by hanging on it perpetually, not deeming it liberal to oppose a measure in every stage. There certainly was a degree of oblique censure on the conduct of other gentlemen conveyed in such observations. Perhaps, like himself, some of the gentlemen, Mr. Fox said, had not attended much to the business. He had not, he owned, because from the sort of manner in which the first mention of the bill had been received, he saw clearly that little effectual opposition could be made against it. He agreed, notwithstanding, that every man should attend to the business throughout, whenever there was a prospect of its being crowned with success, and when there was a probability of such being the effect, perhaps harassing a measure by continued opposition in every stage of it, was the most likely way of putting an end to and defeating a bad measure. If the measure did not prove either bad, or so bad as to call for determined opposition, such a mode of opposing it was certainly not necessary.

There was another point which called for observation, and that was, what the honourable gentleman who spoke last had said of the meeting in commemoration of the repeal of the

shop tax. He did not expect that that honourable gentleman, of all men, would have attempted to ridicule the repeal of the shop tax, because the honourable gentleman had more than once professed himself to be a sincere well-wisher to that measure. Perseverance, the honourable gentleman had said, would accomplish great things, and the strength and effect of perseverance was never more fully seen than on that occasion. The repeal of the shop tax was a fit subject of commemoration, because it was the triumph of reason and just argument over ignorance and obstinacy. It was also worthy of commemoration, in as much as it proved to that House, that a blind confidence ought not always to be placed in ministers, since the proposers of the shop tax had been at length obliged to confess, that the reasons assigned for the propriety of its repeal were founded in truth, and that the grounds on which the proposers of it had maintained and defended it, were erroneous and delusive.

With regard to the popular act of opposing the present bill, which the honourable gentleman who spoke last had sarcastically imputed as the cause of his attendance that day, Mr. Fox denied that his attendance was occasioned by any desire of seizing on that opportunity of retaining popularity. In fact, if any such weak and idle motive could influence his public conduct, on any occasion, that was an unseasonable moment for its exercise; because, so far from opposition to the measure being popular, he had every reason to believe, that it unfortunately happened that the reverse was the fact, and that the people of this country were so changed in their nature, and so altered in their feelings, that they had become, as it were, enamoured of the collectors of taxes, especially under the excise laws, and that they looked up with eagerness and with gratification, to invite the most wanton exercise of power; and, as if nauseated with the sweets of liberty, were anxious to wear the badge of slavery and of despotism.

As to his not having attended the bill more closely, he had already stated, that he had not done so, because he plainly saw, that all opposition would be fruitless; but surely, the honourable gentleman, and other gentlemen of the same description, had no right to expect on every occasion, when the interests of their constituents, or some personal motive to themselves, induced them to wish the measure of the minister opposed, that he, and those who acted with him, would be at their command, and ready to act as perpetual adversaries of the minister and his measures, whether those measures should appear to them to be well or ill founded! It should seem as if the honourable gentleman, and those who pursued the same general political line of conduct, but who,

nevertheless, opposed the present bill, considered opposition as the standing counsel against the crown in that House, ever to be resorted to in the moments of difficulty, and therefore as necessary to exist as administration. What was this but laughing at them? What was it but saying, "We have put you into the most humiliating situation; you shall have no share of the power, no share of the honours, or emoluments of office; but we expect to command your public services, to profit by whatever abilities you may possess, to be joined by you and your friends, whenever we want the assistance of either." Was it not, in other words, saying, "We have raised one man to a degree of power which makes all opposition useless. By our false clamours against you, and our delusions respecting him, we have taught the public to look up to him as something more than man; hence his measures, however mischievous, however fatal, are scarcely to be resisted: but remember, we look to you to watch him. Do you take care that he does no mischief in his situation. It is your office to sound the alarm, when danger lurks beneath a plausible pretext; and to oppose yourselves to the occasion, so that the evil may be in time averted." Having deprived them of the means of resistance with any hopes of success, by putting them into so useless a situation, to call upon them to oppose, to check and to stop the minister's measures, was neither more nor less than directly laughing in their faces, and adding insult to injury.

Mr. Fox declared that he was one who differed much from an honourable alderman behind him, who had said that he thought that this bill was following former examples. Under no administration had the excise been extended in the manner that it had been under the present. He had seen the fustian manufacture attempted to be put under the excise, but he thanked Heaven that the attempt had proved abortive. When he saw the wines put under the excise, he had then opposed it, because he would oppose every extension of the excise laws, being convinced that they were a system of laws under which no freeman ought to live, as they were utterly incompatible with a free constitution. The excise upon wines had been said to have proved successful: if they had proved ever so successful, still he should retain his opinion against that measure. But he did not admit that the scheme respecting wines had been fairly tried, or that its apparent success was imputable to the articles being under excise laws. The French commercial treaty had taken place soon after the wines were put under the excise laws, and the increase of the consumption of wines, and the wine duty revenue, might as properly be ascribed to the effects of the commercial treaty, as

to the effects of the application of excise-laws to the article. But his objections were founded in other notions than a mere view of the revenue. He was aware that, with some men, an increase of revenue outweighed every other consideration. He thought far differently; it was the probable success of the application of the excise laws to tobacco which he deprecated, because he considered a farther extension of those laws, as an additional symptom that, by degrees, all our trade would be subjected to the excise laws, and our liberties and our constitution, hitherto regarded as inestimable, and boasted of repeatedly as beyond all price, would fall a sacrifice to revenue.

However old fashioned the idea might be, he gloried in saying, that if the excise on tobacco would bring in half a million a year, he would oppose it. It was the principle of extension of the excise laws which he resisted; and in doing so, he considered the increase of revenue as no object. He declared that he rather took the opportunity of saying this, because it might be objected against him, that, as he, the other day, had contended, that our revenues fell short of our expenditure, and that means for their increase ought to be resorted to, he of all men ought not to oppose the present bill, which was one of those means which, in the consideration of the present ministers, was deemed most likely to prove effectual. He did, nevertheless, resist the bill, because he considered the extension of the excise laws as undermining the foundation of our constitution with a view to raise the superstructure, which would be a sacrifice that no friend to his country ought to consent to make. But so far from this bill answering its end and producing a large encrease of revenue, he had heard persons, who might be supposed best to know the subject, say that the bill would produce a contrary effect, and that the trade would fall in consequence. He reasoned upon the dangerous effect of thus extending the excise laws, and contended, that it manifested a forgetfulness of those blessings, which it was so much our habit to boast of as an enjoyment beyond the reach of most other nations. It seemed as if liberty and a free constitution were merely talked of and not felt; as if they were words only fit to decorate a speech in parliament—a beautiful theory, but no longer compatible with practice, or fit for enjoyment. It was the more wonderful that this apathy to a sense of our own advantages should take place at a period when this country was enlightened almost beyond all other nations, when it was distinguished, not only for the extension of science, not only for the spreading of literature, not only for the success and improvement of the fine arts, not only for its superior advances in history, philosophy, and universal toleration, but for all that was great and glorious,

useful and ornamental in man. That, at such a moment, we should be so blind to our own advantage, so madly bent on sacrificing the solid and substantial blessings we enjoyed, was most astonishing; but nothing could be more certain, than that if we went on extending the excise laws in the manner we had lately done, it would be a preference of revenue to the constitution of the country.

When this country ceased to be free, the people would cease to be industrious, and consequently cease to be wealthy, and when the nation ceased to be wealthy, it would cease to be powerful. The real source of revenue was, he contended, the riches of the people; but if the excise laws were made general, all opportunity of acquiring wealth would be at an end. The first attempt at the introduction of the excise laws had been made in the time of Sir Robert Walpole's administration. Sir Robert Walpole, he thought, had been treated with less respect than he deserved; but it was much easier to load the memory of a dead minister with calumny than to traduce a living minister. Sir Robert Walpole, all circumstances considered, and allowing for the foibles to which all mankind were liable, had, in his opinion, been a wise minister for this country. In his time, the debt of this country had increased to a size alarming to the politicians of that day. The general language was, that the minister ought to resort to means of encreasing the revenue. Sir Robert Walpole had listened to the advice of those about him, and had proposed an excise scheme to that House. The consequences were well known, and it was a proof of Sir Robert Walpole's wisdom that he had relinquished the scheme. The next excise heard of, was in the administration of the Earl of Bute. At that time, an attempt was made to carry an excise on cyder; but it was clamorously resisted. There had been a distinction taken, and it was said, excising cyder was bringing the excise into a private gentleman's house, whereas an excise on a particular trade was very different. Mr. Fox declared that he saw no force in the distinction. If excise was inadmissible in the one instance, it was not less so in the other. The shop of the trader was as much his castle as the dwelling of the private gentleman. He was not one of those who thought none useful but such as, by arts and arms, by their military services by sea and land, and by commerce and manufactures, conduced to the public wealth and revenue; the country gentlemen, or, in fact, the true nobility of the kingdom were useful likewise; but he could perceive no reason why those who of necessity were deprived of the trial by jury, that glorious mode of trial which they ceased not every day to praise, while they

were daily taking it way — (he meant the navy and army) — and those employed in manufacture and trade, should be excluded the benefit of a trial by jury and the enjoyment of that benefit be left solely to the country gentlemen and the idle. The prosperity of this country and its wealth and commerce depended on its constitution and its freedom, and to confine liberty to the enjoyment of those who were comparatively idle, was unjust, absurd, and preposterous. They had no fair grounds whereby to calculate the probable produce of the scheme of applying the excise laws to tobacco. Might not the truth be, that tobacco being such a good article for taxation, as he confessed it was, had been pushed too far, and taxed beyond what it could bear? All evils were softened by our being habituated to them; and if excise laws were suffered tamely to be applied to one trade, they would soon be applied to another. He ascribed this to the apathy of the people in general, when the excise laws were applied in any one instance. The tobacco manufacturers, when they entered upon the trade, little expected this measure; and, perhaps, from the encouragement given in Sir Robert Walpole's time, they thought tobacco the last article which would be put under the excise. Other traders, who possibly were at present as little aware, or in expectation of being subjected to the excise laws, would, he had no doubt, be soon called upon to stand in a similar situation. He asked, if there was any man acquainted with the freedom of the constitution, who did not think the excise laws more harsh and oppressive than could be borne? He declared, therefore, that he came down that day, not so much with any great hope of successfully opposing the bill, as with a view to state his opinions on the subject, and to enter his general protest against a scheme, which he completely disapproved. If, in a country where every trade could see its own danger by what happened to another, they did not feel it as a common cause, and join in resistance whenever the excise laws were attempted against any one article of manufacture, they gave but bad symptoms of their hearts, or their understandings. If the tobacconist, when he saw the wine merchant taxed, and put under excise laws, stood by and said to himself, "Let the excise go to the wine merchant so that I am free," he acted foolishly, and scarcely deserved to be assisted, when the case should become his own. The wine merchant, in like manner, might say the same of the tobacconist and of the country gentleman, whereas it was now proved, that the oppression of the excise laws would fall upon both. Those who would not assist others, must not expect to be assisted themselves in the hour of danger.

Mr. Fox expatiated on the preference due to regulations in regard to old taxes, rather than to new taxes, which latter all feared, because they knew not on whom they would fall; but the present regulation, he continued, would not answer, and when he said so, he declared it to be his belief, not originating in any wish for popularity. The bill seemed little to interest the public in general, and if parliament would not attend their duty, and if they who were most interested in the subject had abandoned it, he saw no prospect of stemming the tide, and recalling them to a due sense of their own interest; but, standing as we did, the first country for literature, for science, and for all which could improve and adorn mankind, that the sources of those enjoyments should be so forgotten must mortify every man who admired the freedom of our constitution, and the equality of our laws.

In reply to some remarks which fell from Mr. Secretary Grenville,

Mr. Fox expressed his firm belief that it would be admitted on all hands, that he did not usually say one single syllable against the right honourable the chancellor of the exchequer, in his absence, which he was not perfectly ready to repeat in his presence. In fact, he had not, that he recollected, made any personal attack on the minister, but on the present administration, of whom he should always speak as he thought. The right honourable secretary had asked, was he ready to give up the six millions of revenue at present under the excise laws, and to push the nation to bankruptcy, by which our liberties and constitution must be destroyed? Most certainly not. He complained of this bill as an additional extension of the excise laws, and he certainly would oppose every attempt to extend them farther. But was that like declaring himself ready to abandon the six millions of revenue collected under the excise laws? He was not for pushing any argument, whether of revenue or politics, to an extreme; and had he been in parliament when the first excise law which passed was in agitation, he should have firmly opposed it. He understood the right honourable secretary to have said, that he had declared a preference of new taxes over new regulations. He had declared no such thing. He preferred new regulations to new taxes, generally speaking; but it did not follow, that he was bound to approve of all new regulations. He had only said that he should have preferred a new tax to the new regulation now proposed. As to there being no tobacconist, who was an honest man and a fair trader, who did not approve of the measure, he knew

the reverse to be the fact; he knew, if what he heard from those without doors who were most likely to be well informed, was to be relied on, that there was no one tobacconist in the kingdom for it; and therefore, according to the right honourable secretary's argument, there was not one honest tobacconist.

Mr. Dundas said it was now clear from Mr. Fox's explanation, that he did not object to the excise laws in general, under which the country derived six millions of revenue, but merely to the present extension of the excise laws to the article of tobacco.

Mr. Fox answered, that if he could draw any clear conclusion from such perplexed and novel modes of arguing, he should maintain, that the right honourable and learned gentleman had as much understated him, as the other right honourable gentleman had overstated him. He was against the excise laws, unless two things could be proved to him; first, that there existed an adequate and urgent necessity for extending the excise laws, and secondly, that they could be extended without oppression and harshness to the subject. Those who contended that abolishing the excise laws altogether would create a national bankruptcy, asserted more than the case required, because other means could surely be found for raising the money. As to the right honourable and learned gentleman's saying that he called the chancellor of the exchequer the idol of his country, what he said he would say still, that the right honourable gentleman was the instrument of a victorious party. With regard to himself, Mr. Fox observed, he had been for twenty years in opposition, with some few exceptions, and had perceived that the general cry was, that opposition opposed every measure, right or wrong; but the right honourable and learned gentleman seemed to think it necessary that they should come down, day after day, to watch the measures of the minister; a duty which he did not think quite so requisite, when business came on at a period of the session, when it was vain to resist. With regard to its not being right that opposition should propose taxes, he had ever maintained that doctrine, because taxes ought only to be proposed by those who had the finances under their immediate care, and must best know how far any proposition which they made, was fit and practicable. That was, undoubtedly, his general doctrine; but his conduct, in particular, had been an exception to his own rule; for he had not once in his life opposed a tax, without suggesting some other mode of raising the money. In the present case, for want of preparation, he was not ready to propose a substitute, though he declared himself adverse to the regulation.

There were other modes of raising the money, however, and some of them extraordinarily simple, which had, he understood, been proposed to ministers; one was reducing the duty, which would at least put an end to the frauds practised in the article of tobacco, if it did not make good the deficiency of the revenue. The right honourable gentleman, Mr. Fox observed, had referred to the debate of Friday; in regard to that, he must observe — [He was called to order from the Chair.] In explanation, Mr. Fox said, that if one gentleman was suffered to allude to a former debate, he ought to have stated it as it happened, and not as it did not happen. All he wished to remark was, that not only with respect to the increase of the army, but, in other instances, he had opposed expence, and tried to enforce economy, the surest means of aiding the revenue.

The House divided: Yeas 70: Noes 20.

ARMY ESTIMATES. — FRENCH REVOLUTION. — DIFFERENCE OF OPINION BETWEEN MR. FOX AND MR. BURKE.

February 5. 1790.

THE session was opened on the 21st of January, and on the 5th of February the army estimates were brought forward by Sir George Young, the secretary at war. The estimates were nearly the same with those of the preceding year, and were not voted without some objections from the side of opposition. It was observed by Sir Grey Cooper, Mr. Marsham, and others, that eight years of peace had elapsed, and that the military estimates were not yet reduced even to the peace establishment of 1775, though the committee of finance which sat in the year 1786, had presumed upon a still greater reduction. That there was nothing in the actual situation of affairs that called for this extraordinary military force: but on the contrary, that his majesty had assured them of the pacific disposition of all the foreign powers; that France, our ancient rival and enemy, in consequence of her internal disturbances, would probably be disabled from giving us any molestation for a long course of years; and, lastly, that the alliances we had made, and the subsidiary treaties we had entered into on the continent, inasmuch as they multiplied the chances of our being involved in war, were proportionably mischievous, if they did not enable us to reduce our expences in time of peace. To these arguments it was answered in general by Mr. Secretary Grenville and Mr. Pitt, that though there was no reason at present to apprehend that we should be engaged in hostilities with any

foreign power; yet the unsettled state of Europe, and the internal situation of several parts of it, made it necessary for us to keep ourselves in such a state, as might enable us to act with vigour and effect, if occasion should require. That it was a preposterous economy to tempt an attack by our weakness, and for a miserable present saving to hazard a great future expence. That our foreign alliances, which had been approved of by all parties as necessary for the preservation of that balance of power in Europe, upon which the permanence of its tranquillity depended, could only be rendered effectual for that purpose, by our being able to support them with an adequate force; and, lastly, that it would be found, upon an examination of the detail of all our military establishments, that they could not, with common prudence, be reduced to a narrower scale.—In the course of the debate,

Mr. Fox said, he perfectly agreed with the right honourable the chancellor of the exchequer, that the House were greatly indebted to his honourable friend (Mr. Marsham) for having, that day, introduced a discussion of the army estimates. He also agreed with him, that this might not be the period fit for the reduction of taxes. However harsh such an opinion might sound in the ears of their constituents; however irksome and unpleasant it might be for gentlemen in office to broach it; and however unpopular and disadvantageous it might be for men in similar situations with himself to avow it; yet he made no scruple to declare it at his opinion, that great and heavy as the public burdens were, and however the necessity of their continuance might be a matter of lamentation, this was not the time to diminish them by a reduction of taxes. Every honest man, every lover of his country, every admirer of the constitution, and every one who had made political concerns the subject of observation and study, must unite with him in opinion, that the House ought ever to regard as sacred these two grand objects—the preservation of our excellent constitution, and the support of our national credit. But, while it was the indispensable duty of the House to acquaint their constituents, that for the purpose of preserving the constitution and our national credit, there might even be a necessity of imposing additional burdens upon them, care ought to be taken that no unnecessary addition to the public burdens should be tolerated; that no undue advantage should be taken of the spirit and resolution of the people to support the necessary exigencies of the state, to do any thing under colour of defence, or of revenue, to the prejudice of the economy or the constitution of the country. He had never thought it expedient to make the internal circumstances of other nations the subject of much conversation in that House; but if there ever could be a period in which he should be less

jealous of an increase of the army, from any danger to be apprehended to the constitution, the present was that precise period. The example of a neighbouring nation had proved, that former imputations on armies were unfounded calumnies; and it was now universally known throughout all Europe, *that a man, by becoming a soldier, did not cease to be a citizen.*

It was not, therefore, in a constitutional point of view that he dreaded the increase of the army, but on the ground of economy. That this country had escaped the tumults and distractions in which other countries were involved, might be imputed to our having passed the ordeal, and our being long in possession of what other countries were now laudably contending for. We had long enjoyed the advantages of a free and happy constitution, and could, therefore, not be exposed to the difficulties arising from the necessity of framing a new one. Having stood clear in point of finance, and preserved our credit entire, we could not be exposed to the difficulties arising from a breach of faith, or from public bankruptcy. The first object of our attention, therefore, ought to be, the preservation of our constitution; on which alone depended the security, happiness, and repose of this country. The next object to which our attention ought to be directed, was the preservation of our credit, which was principally supported by a due regard to matters of economy and finance. To consult economy, we must look for reductions in some department of our public expenditure; and in no branch did it appear to him so practicable, as in the army-establishment. But the augmentation of the army, it was said, had undergone the fullest discussion and decision of the House. This he begged leave to controvert. The question was undoubtedly debated, and carried by a considerable majority; but though the augmentation of our military force was then agreed to, it was not considered as a permanent peace-establishment of this country, but a temporary establishment, to answer the exigency of the occasion, from a confidence in the judgment of the right honourable the chancellor of the exchequer of its indispensable necessity. That many votes were given in favour of the measure, on this express ground, must be in the recollection of the House: by this observation, however, he did not mean to insinuate, that the right honourable gentleman had misled the majority into that opinion; for he was well aware, that at that time the chancellor of the exchequer had held a different language from that just stated to have been that of many members who then voted for the military augmentation in question.

Mr. Fox observed, that when the subject was agitated two years ago *, though he had the misfortune to vote in a minority, yet his sentiments were still the same — that the increase of the army was wrong. His opinion, indeed, had been but the more confirmed and strengthened in proportion to the time that had elapsed; at the time, however, he did not state his sentiments in very strong terms, as there might be many circumstances in the knowledge of his majesty's ministers that called for an augmentation with which he could not possibly be acquainted. But these were matters connected immediately with the subject of which the right honourable gentleman had taken no notice; namely, the subsidiary treaties and alliances with foreign powers. We had formed an alliance with the States-general and the King of Prussia, of which he highly approved; as they must afford us assistance in the hour of extremity, and add to our reputation of strength. The subsidy to Hesse Cassel ought to be regarded as an additional supply for the army; and, indeed, every foreign alliance should be considered as an indirect augmentation of the army. These treaties, therefore, he conceived, ought to have lessened the expence of our peace-establishments. But he was told, that these treaties might excite the envy and rouse the ambition of other powers to combine against us; that the necessary consequence, therefore, ought to be the augmentation of our force. These arguments he did not then think very applicable; but now having had the sanction of time, and stood the test of experience, and no unfriendly combinations having been formed against us, ought we not rather to expect a reduction, than an augmentation, of our military establishment?

He would ask, were we not now less liable to an attack than in the year 1787, when an increase of military force was thought expedient for the defence of the West Indies? There might, indeed, then have existed some ground for apprehension of danger, known only to his majesty's ministers, which no man differently situated could come at; and so much credit was always due to the servants of the crown, who, from their official situation, might obtain intelligence of foreign transactions, which might render an augmentation of military force in the West Indies at the time, a prudent and politic measure, for the majority of the House to adopt. But whatever might have been the danger then to be apprehended, it was now certainly diminished in a degree hardly to be calculated.

* See speech on the augmentation of the land forces, vol. iii. p. 339.

The concern expressed in the speech from the throne, at the events that had taken place in Europe, did honour to his majesty; but on receiving those events, and estimating their probable consequences, did there appear any greater likelihood of an attack to be made on this country, than before the events in question took place? Was it at all probable, that France, while her whole attention was occupied by so important an object as the arrangement and formation of her constitution, would attack our West India islands? The necessity, therefore, which had been urged of keeping up so large and expensive a military establishment in that quarter of the globe, must be founded in idle chimeras and vain pretences. The new form which the government of France was likely to assume, he was persuaded, would render her a better neighbour, and less disposed to hostility, than when she was subject to the cabal and intrigues of ambitious and interested statesmen. From Spain we had little to fear, when not impelled by the force of the family-compact. From what quarter, then, were we apprehensive of danger to our West India possessions? Every circumstance tended to confirm the certainty of greater safety to the West Indies at this time than at any other period; and consequently a reduction of our military establishment there might now have been expected. But he was told, that each island must have such a force, in time of peace, as might be sufficient to defend it in time of war. To this plan he always objected; because he firmly believed it impracticable; but he particularly complained that the plan had never been explained in detail; nor had it ever been specified what number of troops was requisite for the defence of each island. To such an explanation, in his opinion, the House was now entitled. Gentlemen ought also to attend to the continued augmentation of the troops in the East Indies; and consider that when they voted this increased army estimate, they had not voted the whole expence; because the amount of the extraordinaries must increase in a much greater proportion. What the reasons were which induced his majesty's ministers to continue the increased establishment he could not say; nor was he at all desirous of hearing what they might think it their duty to conceal.

From all that appeared to him in the situation of the country, and in the general state of Europe, he had no difficulty in saying that the present was the proper time for reducing the army. With regard to the right honourable gentleman's comparative statement of the army-establishment, which, he contended, was nearly the same now as it was at the time preceding the last war, Mr. Fox observed, that the comparison was inaccurate, unless the expence of the subsidiary treaties

were included; and that the whole argument, therefore, must be fallacious. If the establishment proposed in 1783 was right, the present was undoubtedly wrong. He should only say, that the most pardonable error a minister of this country might perhaps commit, was to make the peace-establishment of the army lower than it ought to be. With regard to the increase of the garrison at Gibraltar, he was not inclined to say much, because his majesty's ministers might have reasons that induced them to believe such an augmentation necessary; if so, he was of opinion the men were well bestowed, and the additional expence no profusion. It was also observed, that as Holland and Prussia were our allies, from whom we might expect assistance, they also, agreeably to the stipulated terms, were entitled to support from us. True: but did it from thence follow, that we ought to augment our military establishment? Was it not obvious to the merest smatterer in politics, that the assistance expected from us by our allies was not in an army, but in ships, sailors, and money? The argument in favour of an increased army-establishment, upon this ground, was therefore false and inconclusive.

Some persons might be of opinion, that this was the time to take advantage of the situation of France. It undoubtedly was so; but how ought this to be done? Not by triumphing in her distress—not by ungenerously attacking her dominions, when she was but ill able to defend them—not by following her example towards this country in the late war; but by convincing her, that while we were generous to her, we were considerate to ourselves, by taking the advantage of her situation to reduce our establishment, with a view to the diminution of our national incumbrances. This was the only mode of retaliation he should prescribe for this country to observe; this appeared to him the best method to improve our finances, to guard against similar disasters, and to repel with vigour any attack which the new constitution and the revived credit of France might hereafter enable her to make upon us. This mode appeared very practicable, as far as the defence of the East and West Indies was concerned; and he would again affirm, that if the defence of our Asiatic and western possessions required at one time an augmentation of our military establishment, that necessity no longer existed; the situation of Europe having entirely removed it. The money they were about to vote that day would be the least of the expence. Fortifications were erecting, and many chargeable consequences must follow. Supposing that the war between Turkey and the two imperial courts of Austria and Russia was composed; that France had settled her new constitution, and was again herself; that the disputes in the Netherlands were accommodated, and his ma-

jesty's pacific wishes gratified to their utmost extent; would any man therefore say, we had less reason to apprehend danger of attack from our possessions in either of the Indies than at present? And that therefore it would be a more fit period for the reduction of our establishments in those quarters? No one would venture to hazard so absurd an opinion.

He was confident no time could be more proper — no period more favourable — for the reduction of our establishment, especially in the West Indies, than the present. He therefore persisted, from the strongest conviction, in the opinions he had entertained on the subject in 1787, and was ready to vote in favour of any amendment applicable to the West-India estimate whenever it should be moved. He concluded with expressing his hearty approbation that the discussion had taken place, and sincerely hoped that the army-estimates would never be suffered to pass unnoticed by the House as mere matters of form.

This speech was animadverted upon by Colonel Phipps, who remarked, that he could not avoid considering the particular mode in which Mr. Fox had thought proper to allude to the conduct of the military bodies in France during the late commotions, as inapplicable to the drift of his reasoning, and rather a poor compliment to a profession to which he had the honour to belong. The right honourable gentleman should have recollected that we had a long established and happy constitution, and that the case was widely different in France. If the right honourable gentleman had looked to the conduct of the army here in 1780, he would have found much more substantial ground for panegyric. He would there have seen the soldiery of this country feeling as soldiers and citizens, not the first to lead anarchy and cruelty, not violent in their conduct, not joining those who were riotously violating the public peace, and scattering ruin among individuals, but patiently submitting to the insults of the populace, and in spite of provocation maintaining the laws of the realm, and acting under the authority of the civil power.

February 9.

The army-estimates being this day reported from the committee, a farther debate took place. Mr. Secretary Grenville defended the estimates. He acknowledged that he did not think France very formidable when the augmentation was made two years ago; but he was of opinion then, as he was now, that such a number of troops ought to be kept in each island, as might be able to defend it, in case of attack, till the arrival of a fleet. If the situation of France rendered her less formidable now than she was then, still it was not politic to alter our establishment on every alteration in the circumstances of rival powers. France, three years

ago, had, he said, been declared by Mr. Fox to be more formidable than even in the reign of Lewis XIV. A few years had produced the present alteration, and a few years more might produce another. It was, therefore, the policy of this country to maintain a peace-establishment on a general principle, and not on a partial view of the comparative situation of France.

Mr. Fox rising next, observed, that the right honourable secretary had indulged himself with so boundless a profusion in the use of general terms, as to render it difficult to meet his arguments by particular and pointed answers. Thus was it, that he had chosen to evade all ample and all satisfactory elucidations of the motives which had given rise to the present augmentation of the peace-establishment of the army. Yet, when he made this remark, he did not mean absurdly to contend, that the stinted economy which might operate as an invitation to an attack, and bring on a war, was good economy; for all must acknowledge, that it would be wise to keep up a proper establishment, and that it would be improper to attempt an attack. The right honourable secretary had not, however, given sufficient explanation on the present establishment. There was no man more ready than himself to give every becoming confidence to ministers; he thought a degree of confidence necessary to the well-being of the people; but a confidence for a permanent establishment was grossly absurd: he would not refuse a confidence for one year, or a limited period, but he would go no farther. When particular emergencies presented themselves, and when experiments were on the point of being made, confidence might be reposed in ministers during a few months; yet surely a reliance of this nature was not to be extended to the case of the establishment of armies, from year to year, in time of peace. An honourable gentleman (Mr. Pulteney) could not, upon reflection, consider this as a blind confidence; it was, on the contrary, such as he had described, by a former assertion, similar to those which he had made both in and out of place, and such as he did not now mean either to recant or qualify; it was that degree of confidence, without which it was impossible for the executive government to proceed as it ought; and, as a proof that he never meant that such a confidence should not be limited by caution, the House would please to recollect, that, during a former session, when some honourable gentlemen were disposed, on the subject of the affairs of Holland, to place too unbounded a confidence in ministers, he reprobated its extent.

Mr. Fox continuing, observed, that he agreed in part with the right honourable secretary, that it was not proper to discuss the propriety of keeping the American forts pending a nego-

ciation; the House were, notwithstanding, entitled to enquire into the state of those negociations at some time or other; and surely, upon the present occasion, it could not be improper to remark, that the cession of those posts had, indeed, been blamed by some gentlemen, though he had never considered that as any very material objection to the peace of 1783; nor did he desire to descant on the propriety of occupying or evacuating them now, not being prepared with information on the subject. What he had asserted in the Committee, and what the right honourable the chancellor of the exchequer's facts proved against his theory, was, that we had not so great a number of troops in America now as before the late war, and therefore the argument, drawn from the extent of the frontiers, for an encreased establishment, fell to the ground. In confutation of the pretext for the necessity of guarding Gibraltar from surprise, it was sufficient to answer, that it had shewn itself long to be in no such danger, and that the laudable improvements which it had undergone, during the last war, rendered it less liable to be surprised; yet, if the addition to this garrison had taken place, in consequence of a recommendation from those who were the most qualified to form a judgment, he certainly should not object against relinquishing his opinion to that of men whose professional skill enabled them to decide; but of such circumstances, it was the duty of ministers to take care that the House should be particularly informed.

In the case of the West Indies, which, unquestionably, was of the first importance, he should not hesitate to declare it as his opinion, that the present system, however it might have been brought forward by the minister as a system of perfect defence in those parts, was the most absurd that had ever been adopted: it was ridiculous to talk of keeping up a sufficient force in each island to defend itself at the breaking out of a war; and before the House could come to such a vote, with any degree of propriety, they should be first acquainted with the necessary number of troops for each island. When such a statement should be delivered in, he did not believe that a single military man would declare such a number to be adequate to the purpose for which they were intended; and if so, the augmentation of the army would go still farther: if the islands were to be defended, they must be defended by a fleet; and the best military station, as he had been informed by some of the first military men in the kingdom, was at Halifax, a far healthier station, than any of the islands, and from which place the troops could be more readily conveyed to the succour of any particular island, than from one island to another. The voting men to the West Indies he considered to be vot-

ing them to their graves. No man was more ready to bow to authority than he was, but he must know to what extent the principle of defending the West Indies by a military force was to go, before he could judge of its propriety. It was upon this point that he considered himself at issue with the right honourable gentleman at the head of affairs; and he felt himself justified in asserting, that the natural defence of those islands rested in our navy.

The situation of France was, in his mind, a material reason why the present establishment was not necessary; for, after her late behaviour in the Dutch dispute, it was not very likely she should wish to commence hostilities against this country. He was not mortified by the right honourable secretary's noticing his being mistaken in his speculation, made three years since, of the power of France; a change, as sudden as unexpected, had taken place in her affairs, in which some exulted, and of which number, in one point of view, he considered himself as included, from feelings and from principle. To the insinuation which the right honourable secretary had brought against his supposed want of political foresight, he could, without vanity, answer, that there were few mistakes indeed, of which he should be less ashamed; because, even if a person, possessing the gift of prophecy, had appeared in any part of Europe, in Paris or in London, and foretold those extraordinary occurrences which had since arisen, every word issuing from his lips would only have been regarded as a corroboration of his insanity. In three years more, it was possible, she might again have a turn in her affairs, and become more formidable than ever: it was not likely, however, that the growth of power should be so sudden, as to prevent our ability of providing against any of its inimical effects. The difference of pulling down and building up, was very material; a state might fall from a pinnacle of power to actual inertness, but to rise to a state of grandeur, on a sudden, was impossible.

The right honourable secretary had observed, that it was good to be secure, and not to tempt an attack. Certainly. To this he would reply, that if France were at this moment insecure, and tempting an attack, it arose not from a neglect of her garrisons, or of her large establishments. This country could not bear such immense establishments; the being armed at all points, *cap-a-pe*, would ultimately prove her ruin: her reliance ought to be on her revenue, and, by a saving from the establishment in the West Indies, she would strengthen herself. He believed it would be difficult for the right honourable gentleman to prove that any of the islands which were lost, could have been saved by the troops now proposed

to be sent. He contended, that it was fit the House should, every year, consider the establishment according to the state of the powers of Europe. At present, viewing those powers, he saw no necessity for our keeping up so large an army. The defence of the East Indies, he imagined, would be more advantageously left to the native troops than to Europeans, who could not endure the climate. He observed the army to be continually increasing; that every pretence was seized to increase it, but none to diminish it. The principle upon which the right honourable secretary went for the defence of the West Indies would ultimately prove the present establishment to be too small; and, another year, a further increase might be expected to be proposed: the principle he went upon proved the present establishment to be too great. The House, if it voted the present establishment, without the knowledge of the number of troops meant to defend each island, must give their vote in a blind confidence.

Reverting to the subject of France, Mr. Fox described her as in a state which could neither fill us with alarm nor excite us to indignation. Surrounded and oppressed by internal divisions and calamities, she could not so suddenly rise superior to their pressure, as to preclude us from a preparation against an impending storm. Had France remained in that formidable and triumphant state by which she was distinguished in the year 1783, he would be one of the first in the House to applaud an augmentation of our peace-establishment. In all our contests with that ancient enemy, our intemperance had seduced us into very disagreeable situations; and we had been frequently obliged to accept of terms which we might have obtained several years before such an agreement. If fortune had now humbled the pride and ambition of this mighty empire—if that anarchy and confusion incidental to such a revolution had struck her people with inertness and inactivity—why should we dread her sudden declaration of hostilities? But even if she were to merge from her misfortunes as suddenly as she was involved in them, he would recommend the argument of the right honourable secretary as a consolation—"The flourishing state of our finances." If, however, an attention to the West Indies were advanced as a justification of the augmentation, he wished to call to the recollection of gentlemen, that our first surprise did not originate last war in that quarter. It was a wise and happy preamble established by our ancestors in the mutiny bill, that it should assign as a reason for a standing army, the preservation of the political balance of Europe. He lamented, that it was the nature of kings, ministers, generals, and those of a similar description, to oppose the reduction of the army. If a mi-

nister, the professed friend of mankind, should, however, stand forward in favour of such a measure, he must arm himself with points — he must arm himself with resolutions — he must be emboldened to proceed in the reforms. It was a censurable policy to send British troops to the East Indies. He affirmed, that our territories in that part of the globe should be defended by the natives, who, accustomed to the climate, were more able to endure the fatigues of war.

He regretted, that the present administration evinced every pretence for an augmentation of the army, without any for reduction. It was playing with the feelings of the people, to come forward every year, and justify augmentations in the military forces. The fortification-system was chimerical and absurd. They could not vote foolishly away the money of their constituents; they could not vote a blind and abusive confidence in the ministers. He hoped, therefore, that the House would call for an ample explanation of the system so warmly recommended. Nay, as an act of friendship to those gentlemen, he urged them to appear, on such an important occasion, in a free and manly manner, fearless of any consequence, and consulting no dictates, except those of an inflexible integrity.

Mr. Burke spoke a considerable time in answer to various arguments which had been insisted upon by Mr. Secretary Grenville and Mr. Pitt, for keeping an increase peace-establishment, and against an improper jealousy of the ministers, in whom a full confidence, subject to responsibility, ought to be placed, on account of their knowledge of the real situation of affairs; the exact state of which, it frequently happened, that they could not disclose, without violating the constitutional and political secrecy, necessary to the well-being of their country. He said, that confidence might become a vice, and jealousy a virtue, according to circumstances. That confidence, of all public virtues, was the most dangerous, and jealousy in an House of Commons, of all public vices, the most tolerable; especially where the number and the charge of standing armies, in time of peace, was the question.

That in the annual mutiny-bill, the annual army was declared to be for the purpose of preserving the balance of power in Europe. The propriety of its being larger or smaller depended, therefore, upon the true state of that balance. If the increase of peace-establishments demanded of parliament agreed with the manifest appearance of the balance, confidence in ministers, as to the particulars, would be very proper. If the increase was not at all supported by any such appearance, he thought great jealousy might, and ought to be, entertained on that subject.

That he did not find, on a review of all Europe, that, politically, we stood in the smallest degree of danger from any one state or kingdom it contained; nor that any other foreign powers than our

own allies were likely to obtain a considerable preponderance in the scale.

That France had hitherto been our first object in all considerations concerning the balance of power. The presence or absence of France totally varied every sort of speculation relative to that balance.

That France was, at this time, in a political light, to be considered as expunged out of the system of Europe. Whether she ever could appear in it again, as a leading power, was not easy to determine: but at present he considered France as not politically existing; and most assuredly it would take up much time to restore her to her former active existence.—*Gallos quoque in bellis floruisse audivimus*, might possibly be the language of the rising generation. He did not mean to deny that it was our duty to keep our eye on that nation, and to regulate our preparation by the symptoms of her recovery.

That it was to her strength, not to her form of government, which we were to attend; because republics, as well as monarchies, were susceptible of ambition, jealousy, and anger, the usual causes of war. But if, while France continued in this swoon, we should go on increasing our expences, we should certainly make ourselves less a match for her, when it became our concern to arm.

It was said, that as she had speedily fallen, she might speedily rise again. He doubted this. That the fall from an height was with an accelerated velocity; but to lift a weight up to that height again was difficult, and opposed by the laws of physical and political gravitation. In a political view, France was low indeed. She had lost every thing, even to her name.

"Jacet ingens littore truncus,
"Avolsumque humeris *caput*, et sine *nomine* corpus." *

He was astonished at it—he was alarmed at it—he trembled at the uncertainty of all human greatness.

Since the House had been prorogued in the summer, much work was done in France. The French had shewn themselves the ablest architects of ruin that had hitherto existed in the world. In that very short space of time, they had completely pulled down to the ground their monarchy, their church, their nobility, their law, their revenue, their army, their navy, their commerce, their arts, and their manufactures. They had done their business for us as rivals, in a way which twenty Ramilies or Blenheims could never have done it. Were we absolute conquerors, and France to lie prostrate at our

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* Mr. Burke, probably, had in his mind the remainder of the passage, and was filled with some congenial apprehensions:

"Hæc finis Priami fatorum; hic exitus illum
"Sorte tulit. Trojam incensam, & prolapsa videntem
"Pergama; tot quondam populis, terrisque, superbum
"Regnatorem Asiæ. Jacet ingens littore truncus,
"Avolsumque humeris caput, & sine nomine corpus.
"*At me* tum primum sævus circumstetit horror;
"Obstupui: *subiit chari genitoris imago*"——

feet, we should be ashamed to send a commission to settle their affairs, which could impose so hard a law upon the French, and so destructive of all their consequence, as a nation, as that they had imposed upon themselves.

France, by the mere circumstance of its vicinity, had been, and in a degree always must be, an object of our vigilance, either with regard to her actual power, or to her influence and example. As to the former, he had spoken; as to the latter, (her example,) he should say a few words: for by this example, our friendship and our intercourse with that nation had once been, and might again become, more dangerous to us than their worst hostility.

In the last century, Louis the XIVth had established a greater and better disciplined military force than ever had been before seen in Europe, and with it a perfect despotism. Though that despotism was proudly arrayed in manners, gallantry, splendour, magnificence, and even covered over with the imposing robes of science, literature, and arts, it was, in government, nothing better than a painted and gilded tyranny; in religion, an hard, stern intolerance, the fit companion and auxiliary to the despotic tyranny which prevailed in its government. The same character of despotism insinuated itself into every court of Europe — the same spirit of disproportioned magnificence — the same love of standing armies, above the ability of the people. In particular, our then sovereigns, King Charles and King James, fell in love with the government of their neighbour, so flattering to the pride of kings. A similarity of sentiments brought on connections equally dangerous to the interests and liberties of their country. It were well that the infection had gone no farther than the throne. The admiration of a government, flourishing and successful, unchecked in its operations, and seeming, therefore, to compass its objects more speedily and effectually, gained something upon all ranks of people. The good patriots of that day, however, struggled against it. They sought nothing more anxiously than to break off all communication with France, and to beget a total alienation from its councils and its example; which by the animosity prevalent between the abettors of their religious system and the assertors of ours, was, in some degree, effected.

This day the evil is totally changed in France: but there is an evil there. The disease is altered; but the vicinity of the two countries remains, and must remain: and the natural mental habits of mankind are such, that the present distemper of France is far more likely to be contagious than the old one; for it is not quite easy to spread a passion for servitude among the people: but in all evils of the opposite kind, our natural inclinations are flattered. In the case of despotism, there is the *fœdum crimen servitutis*; in the last the *falsa species libertatis*; and accordingly, as the historian says, *pronis auribus accipitur*.

In the last age, we were in danger of being entangled by the example of France in the net of a relentless despotism. It is not necessary to say any thing upon that example; it exists no longer. Our present danger from the example of a people, whose character knows no medium, is, with regard to government, a danger

from anarchy; a danger of being led through an admiration of successful fraud and violence, to an imitation of the excesses of an irrational, unprincipled, proscribing, confiscating, plundering, ferocious, bloody, and tyrannical democracy. On the side of religion, the danger of their example is no longer from intolerance, but from atheism; a foul, unnatural vice, foe to all the dignity and consolation of mankind; which seems in France, for a long time, to have been embodied into a faction, accredited, and almost avowed.

These are our present dangers from France; but, in his opinion, the very worst part of the example set, is in the late assumption of citizenship by the army, and the whole of the arrangement, or rather disarrangement, of their military.

He was sorry that his right honourable friend (Mr. Fox) had dropped even a word expressive of exultation on that circumstance; or that he seemed of opinion that the objection from standing armies was at all lessened by it. He attributed this opinion of Mr. Fox entirely to his known zeal for the best of all causes, liberty. That it was with a pain inexpressible he was obliged to have even the shadow of a difference with his friend, whose authority would be always great with him, and with all thinking people.—*Quæ maxima semper censetur nobis, et* erit *quæ maxima semper.* His confidence in Mr. Fox was such, and so ample, as to be almost implicit. That he was not ashamed to avow that degree of docility. That when the choice is well made, it strengthens instead of oppressing our intellect. That he who calls in the aid of an equal understanding, doubles his own. He who profits of a superior understanding, raises his powers to a level with the height of the superior understanding he unites with. He had found the benefit of such a junction, and would not lightly depart from it. He wished almost, on all occasions, that his sentiments were understood to be conveyed in Mr. Fox's words: and that he wished, as amongst the greatest benefits he could wish the country, an eminent share of power to that right honourable gentleman; because he knew that, to his great and masterly understanding, he had joined the greatest possible degree of that natural moderation, which is the best corrective of power; that he was of the most artless, candid, open, and benevolent disposition; disinterested in the extreme: of a temper mild and placable, even to a fault: without one drop of gall in his whole constitution.

That the House must perceive, from his coming forward to mark an expression or two of his best friend, how anxious he was to keep the distemper of France from the least countenance in England, where he was sure some wicked persons had shewn a strong disposition to recommend an imitation of the French spirit of reform. He was so strongly opposed to any the least tendency towards the *means* of introducing a democracy like theirs, as well as to the *end* itself, that much as it would afflict him, if such a thing could be attempted, and that any friend of his could concur in such measures, (he was far, very far, from believing they could,) he would abandon his best friends, and join with his worst enemies to oppose either the means or the end; and to resist all violent

exertions of the spirit of innovation, so distant from all principles of true and safe reformation; a spirit well calculated to overturn states, but perfectly unfit to amend them.

That he was no enemy to reformation. Almost every business in which he was much concerned, from the first day he sat in that House to that hour, was a business of reformation; and when he had not been employed in correcting, he had been employed in resisting abuses. Some traces of this spirit in him now stand on their statute-book. In his opinion, any thing which unnecessarily tore to pieces the contexture of the state, not only prevented all real reformation, but introduced evils which would call, but perhaps, call in vain, for new reformation.

That he thought the French nation very unwise. What they valued themselves on, was a disgrace to them. They had gloried (and some people in England had thought fit to take share in that glory) in making a revolution; as if revolutions were good things in themselves. All the horrors, and all the crimes of the anarchy which led to their revolution, which attend its progress, and which may virtually attend it in its establishment, pass for nothing with the lovers of revolutions. The French have made their way, through the destruction of their country, to a bad constitution, when they were absolutely in possession of a good one. They were in possession of it the day the states met in separate orders. Their business, had they been either virtuous or wise, or had been left to their own judgment, was to secure the stability and independence of the state, according to those orders, under the monarch on the throne. *It was then their duty to redress grievances.*

Instead of redressing grievances, and improving the fabric of their state, to which they were called by their monarch, and sent by their country, they were made to take a very different course. They first destroyed all the balances and counterpoises which serve to fix the state, and to give it a steady direction; and which furnish sure correctives to any violent spirit which may prevail in any of the orders. These balances existed in their oldest constitution; and in the constitution of this country; and in the *constitution* of all the countries in Europe. These they rashly destroyed, and then they melted down the whole into one incongruous, ill-connected mass.

When they had done this, they instantly, with the most atrocious perfidy and breach of all faith among men, laid the axe to the root of all property, and consequently of all national prosperity, by the principles they established, and the example they set, in confiscating all the possessions of the church. They made and recorded a sort of institute and digest of anarchy, called the rights of man, in such a pedantic abuse of elementary principles as would have disgraced boys at school; but this declaration of rights was worse than trifling and pedantic in them; as by their name and authority they systematically destroyed every hold of authority by opinion, religious or civil, on the minds of the people. By this mad declaration, they subverted the state, and brought on such calamities as no country, without a long war, has ever been known

to suffer, and which may in the end produce such a war, and perhaps many such.

With them the question was not between despotism and liberty. The sacrifice they made of the peace and power of their country was not made on the altar of freedom. Freedom, and a better security for it than that they have taken, they might have had without any sacrifice at all. They brought themselves into all the calamities they suffer, not that through them they might obtain a British constitution; they plunged themselves headlong into those calamities, to prevent themselves from settling into that constitution, or into any thing resembling it.

That if they should perfectly succeed in what they propose, as they are likely enough to do, and establish a democracy, or a mob of democracies, in a country circumstanced like France, they will establish a very bad government—a very bad species of tyranny.

That the worst effect of all their proceeding was on their military, which was rendered an army for every purpose but that of defence. That if the question was, whether soldiers were to forget they were citizens, as an abstract proposition, he could have no difference about it; though, as it is usual, when abstract principles are to be applied, much was to be thought on the manner of uniting the character of citizen and soldier. But as applied to the events which had happened in France, where the abstract principle was clothed with its circumstances, he thought that his friend would agree with him, that what was done there furnished no matter of exultation, either in the act or the example. These soldiers were not citizens; but base hireling mutineers, and mercenary sordid deserters, wholly destitute of any honourable principle. Their conduct was one of the fruits of that anarchic spirit, from the evils of which a democracy itself was to be resorted to, by those who were the least disposed to that form, as a sort of refuge. It was not an army in corps and with discipline, and embodied under the respectable patriot citizens of the state in resisting tyranny. Nothing like it. It was the case of common soldiers deserting from their officers, to join a furious, licentious populace. It was a desertion to a cause, the real object of which was to level all those institutions, and to break all those connections, natural and civil, that regulate and hold together the community by a chain of subordination; to raise soldiers against their officers; servants against their masters; tradesmen against their customers; artificers against their employers; tenants against their landlords; curates against their bishops; and children against their parents. That this cause of theirs was not an enemy to servitude, but to society.

He wished the House to consider, how the members would like to have their mansions pulled down and pillaged, their persons abused, insulted, and destroyed; their title-deeds brought out and burnt before their faces, and themselves and their families driven to seek refuge in every nation throughout Europe, for no other reason than this; that without any fault of theirs, they were born gentlemen, and men of property, and were suspected of a desire

to preserve their consideration and their estates. The desertion in France was to aid an abominable sedition, the very professed principle of which was an implacable hostility to nobility and gentry, and whose savage war-whoop was "*à l'Aristocrate,*" by which senseless, bloody cry, they animated one another to rapine and murder; whilst abetted by ambitious men of another class, they were crushing every thing respectable and virtuous in their nation, and to their power disgracing almost every name, by which we formerly knew there was such a country in the world as France.

He knew too well, and he felt as much as any man, how difficult it was to accommodate a standing army to a free constitution, or to any constitution. An armed, disciplined body is, in its essence, dangerous to liberty; undisciplined, it is ruinous to society. Its component parts are, in the latter case, neither good citizens, nor good soldiers. What have they thought of in France, under such a difficulty as almost puts the human faculties to a stand? They have put their army under such a variety of principles of duty, that it is more likely to breed litigants, pettyfoggers, and mutineers, than soldiers *. They have set up, to balance their crown army, another army, deriving under another authority, called a municipal army — a balance of armies, not of orders. These latter they have destroyed with every mark of insult and oppression. States may, and they will best, exist with a partition of civil powers. Armies cannot exist under a divided command. This state of things he thought, in effect, a state of war, or, at best, but a truce instead of peace, in the country.

What a dreadful thing is a standing army, for the conduct of the whole, or any part of which, no man is responsible! In the present state of the French crown army, is the crown responsible for the whole of it? Is there any general who can be responsible for the obedience of a brigade? Any colonel for that of a regiment? Any captain for that of a company? And as to the municipal army, reinforced as it is by the new citizen-deserters, under whose command are they? Have we not seen them, not led by, but dragging their nominal commander with a rope about his neck, when they, or those whom they accompanied, proceeded to the most atrocious acts of treason and murder? Are any of these armies? Are any of these citizens?

We have in such a difficulty as that of fitting a standing army to the state, he conceived, done much better. We have not distracted our army by divided principles of obedience. We have put them under a single authority, with a simple (our common) oath of fidelity; and we keep the whole under our annual inspection. This was doing all that could be safely done.

He felt some concern that this strange thing, called a Revolution in France, should be compared with the glorious event, commonly called the Revolution in England; and the conduct of the soldiery, on that occasion, compared with the behaviour of some of the troops of France in the present instance. At that period,

* They are sworn to obey the king, the nation, and the law.

the Prince of Orange, a prince of the blood royal in England, was called in by the flower of the English aristocracy to defend its ancient constitution, and not to level all distinctions. To this prince, so invited, the aristocratic leaders who commanded the troops, went over with their several corps, in bodies, to the deliverer of their country. Aristocratic leaders brought up the corps of citizens who newly enlisted in this cause. Military obedience changed its object; but military discipline was not for a moment interrupted in its principle. The troops were ready for war, but indisposed to mutiny.

But as the conduct of the English armies was different, so was that of the whole English nation at that time. In truth, the circumstances of our Revolution (as it is called) and that of France, are just the reverse of each other in almost every particular, and in the whole spirit of the transaction. With us it was the case of a legal monarch attempting arbitrary power — in France, it is the case of an arbitrary monarch, beginning, from whatever cause, to legalise his authority. The one was to be resisted, the other was to be managed and directed; but in neither case was the order of the state to be changed, lest government might be ruined, which ought only to be corrected and legalised. With us we got rid of the man, and preserved the constituent parts of the state. There they get rid of the constituent parts of the state, and keep the man. What we did was in truth and substance, and in a constitutional light, a revolution, not made, but prevented. We took solid securities; we settled doubtful questions; we corrected anomalies in our law. In the stable fundamental parts of our constitution we made no revolution; no, nor any alteration at all. We did not impair the monarchy: perhaps it might be shewn that we strengthened it very considerably. The nation kept the same ranks, the same orders, the same privileges, the same franchises, the same rules for property, the same subordinations, the same order in the law, in the revenue, and in the magistracy; the same Lords, the same Commons, the same corporations, the same electors.

The church was not impaired. Her estates, her majesty, her splendor, her orders and gradations continued the same. She was preserved in her full efficiency, and cleared only of a certain intolerance, which was her weakness and disgrace. The church and the state were the same after the Revolution that they were before, but better secured in every part.

Was little done, because a revolution was not made in the constitution? No! Every thing was done; because we commenced with reparation, not with ruin. Accordingly the state flourished. Instead of lying as dead, in a sort of trance, or exposed, as some others, in an epileptic fit, to the pity or derision of the world, for her wild, ridiculous, convulsive movements, impotent to every purpose but that of dashing out her brains against the pavement, Great Britain rose above the standard, even of her former self. An æra of a more improved domestic prosperity then commenced, and still continues, not only unimpaired, but growing, under the wasting hand of time. All the energies of the country

were awakened. England never presented a firmer countenance, or a more vigorous arm, to all her enemies, and to all her rivals. Europe under her respired and revived. Every where she appeared as the protector, assertor, or avenger of liberty. A war was made and supported against fortune itself. The treaty of Ryswick, which first limited the power of France, was soon after made: the grand alliance very shortly followed, which shook to the foundations the dreadful power which menaced the independence of mankind. The states of Europe lay happy under the shade of a great and free monarchy, which knew how to be great, without endangering its own peace at home, or the internal or external peace of any of its neighbours.

Mr. Burke said he should have felt very unpleasantly if he had not delivered these sentiments. He was near the end of his natural, probably still nearer to the end of his political career; that he was weak and weary; and wished for rest. That he was little disposed to controversies, or what is called a detailed opposition. That at his time of life, if he could not do something by some sort of weight of opinion, natural or acquired, it was useless and indecorous to attempt any thing by mere struggle. *Turpe senex miles.* That he had for that reason little attended the army business, or that of the revenue, or almost any other matter of detail for some years past. That he had, however, his task. He was far from condemning such opposition; on the contrary, he most highly applauded it, where a just occasion existed for it, and gentlemen had vigour and capacity to pursue it. Where a great occasion occurred, he was, and while he continued in parliament would be, amongst the most active and the most earnest, as he hoped he had shewn on a late event. With respect to the constitution itself, he wished few alterations in it; happy, if he left it not the worse for any share he had taken in its service.—As soon as Mr. Burke had concluded,

Mr. Fox got up and declared, that he rose with a concern of mind which it was almost impossible to describe, at perceiving himself driven to the hard necessity of making at least a short answer to the latter part of a speech, to which he had listened with the greatest attention, and which, some observations and arguments excepted, he admired as one of the wisest and most brilliant flights of oratory ever delivered in that House. There were parts of it, however, which he wished had either been omitted, or deferred to some other and more fit occasion. His right honourable friend, in alluding to him, had mixed his remarks with so much personal kindness towards him, that he felt himself under a difficulty in making any return, lest the House should doubt his sincerity, and consider what he might say as a mere discharge of a debt of compliments. He must, however, declare, that such was his sense of the judgment of his right honourable friend, such his knowledge of his principles, such the value

which he set upon them, and such the estimation in which he held his friendship, that if he were to put all the political information which he had learnt from books, all which he had gained from science, and all which any knowledge of the world and its affairs had taught him, into one scale, and the improvement which he had derived from his right honourable friend's instruction and conversation were placed in the other, he should be at a loss to decide to which to give the preference. He had learnt more from his right honourable friend than from all the men with whom he had ever conversed.

His right honourable friend had grounded all which he had said on that part of a speech made by him on a former day, when he wished that his right honourable friend had been present, in which he had stated, that if ever he could look at a standing army with less constitutional jealousy than before, it was now; since, during the late transactions in France, the army had manifested, that on becoming soldiers they did not cease to continue citizens, and would not act as the mere instruments of a despot. That opinion he still maintained. But, did such a declaration warrant the idea that he was a friend to democracy? He declared himself equally the enemy of all absolute forms of government, whether an absolute monarchy, an absolute aristocracy, or an absolute democracy. He was adverse to all extremes, and a friend only to a mixed government, like our own, in which, if the aristocracy, or indeed either of the three branches of the constitution, were destroyed, the good effect of the whole, and the happiness derived under it, would, in his mind, be at an end. When he described himself as exulting over the success of some of the late attempts in France, he certainly meant to pay a just tribute of applause to those who, feelingly alive to a sense of the oppressions under which their countrymen had groaned, disobeyed the despotic commands of their leaders, and gallantly espoused the cause of their fellow citizens, in a struggle for the acquisition of that liberty, the sweets of which we all enjoyed.

He begged, however, not to be misunderstood in his ideas of liberty. True liberty could only exist amidst the union and co-operation of the different powers which composed the legislative and the executive government. Never should he lend himself to support any cabal or scheme, formed in order to introduce any dangerous innovation into our excellent constitution; he would not, however, run the length of declaring, that he was an enemy to every species of innovation. That constitution, which we all revered, owed its perfection to innovation; for, however admirable the theory,

experience was the true test of its order and beauty. His right honourable friend might rest assured, that they could never differ in principles, however they might differ in their application. In the application of their principles, they more than once had experienced the misfortune of differing, particularly in regard to the representation of the people in parliament, and they might occasionally continue to differ in regard to other points, which depended rather on the application of their principles, than on their principles themselves. The scenes of bloodshed and cruelty which had been acted in France no man could have heard of without lamenting; but still, when the severe tyranny under which the people had so long groaned was considered, the excesses which they committed, in their endeavour to shake off the yoke of despotism, might, he thought, be spoken of with some degree of compassion; and he was persuaded that, unsettled as their present state appeared, it was preferable to their former condition, and that ultimately it would be for the advantage of this country that France had regained her freedom.

What had given him the greatest uneasiness, in hearing the latter part of his right honourable friend's speech, was, lest, from its being well known that he had long considered it as the boast and happiness of his life to have lived on terms of the most perfect confidence and intimacy with his right honourable friend, an impression might be left on the mind of that House, or on the minds of the public, that there had existed some grounds for suspicion that he could so far forget himself, upon the score either of principles or of duty, as at any moment to countenance, or rather not vehemently to reprobate, all doctrines and all measures inimical to the constitution. Again, therefore, must he repeat, under the most solemn assurances, to his right honourable friend, that he never would lend himself to any cabal, nor, on any occasion, act in a manner incompatible with the principles which he had so repeatedly professed, and which he held in common with his right honourable friend. He differed, however, from his right honourable friend, in his opinion of the Revolution in 1688. From that period we had, undoubtedly, to date the definition and confirmation of our liberties; and the case was certainly more parallel to the revolution in France than his right honourable friend seemed willing to allow. The reason why France had been so long settling her constitution, and why we had so soon adjusted ours in 1688, was owing to there being so much despotism to destroy in France, and so little which called for destruction when the revolution in our government took place;—a fact which

of itself was sufficient to convince his right honourable friend that there was no ground whatever for the apprehensions which he had that day stated. He imputed this warmth of his right honourable friend, and the extent to which he had pushed this argument, to a laudable but extreme anxiety, lest any man should be rash enough to hazard an attempt to render what had passed in France an object of imitation in this country.

In conclusion, Mr. Fox observed, that he should embrace a future opportunity of entering more amply into a discussion respecting the affairs of France, as far as they might ultimately operate either in favour of or against this country, should the House consider it necessary to fix upon such a topic for their investigation.

Mr. Burke answered, that he could, without the least flattery or exaggeration, assure his right honourable friend, that the separation of a limb from his body could scarcely give him more pain, than the circumstance of differing from him, violently and publicly, in opinion. It was not even in his idea to insinuate that his right honourable friend would lend his aid to any plan concerted for the support of dangerous and unconstitutional procedures. He knew the contrary. His motive for the remarks which he had made was to warn those who did not possess the brilliant talents and illuminated penetration of his right honourable friend, whose moderation was one of the leading features of his political character, from entertaining sentiments which he conceived to be adverse to good government. He was exceedingly glad, however, that he had delivered himself so plainly in his former speech, since what he had said had drawn from his right honourable friend an explanation not more satisfactory to his mind, than he was persuaded it was to the House, and all who had heard it.

Mr. Sheridan said, that the very reasons which Mr. Burke had given for expressing the sentiment which he had that day uttered, namely an apprehension of being supposed to acquiesce in the opinions of those for whom he entertained the highest regard, and with whom he had uniformly acted, operated also on his mind, and made him feel it a duty to declare, that he differed decidedly from that right honourable gentleman in almost every word that he had uttered respecting the French revolution. Mr. Sheridan added some warm compliments to Mr. Burke's general principles; but said that he could not conceive how it was possible for a person of such principles, or for any man who valued our own constitution, and revered the revolution that obtained it for us, to unite with such feelings an indignant and unqualified abhorrence of all the proceedings of the patriotic party in France. He conceived theirs to be as just a revolution as ours, proceeding upon as sound a principle and a greater provocation, and vehemently defended the general views and conduct of the national assembly. He joined with Mr. Burke in abhorring the cruelties that had been commit-

ted; but what, he said, was the awful lesson that was to be gathered from the outrages of the populace? What, but an abhorrence of that accursed system of despotic government, which sets an example of depravity to the slaves it rules over; and if a day of power comes to the wretched populace, is it to be wondered at, however it is to be regretted, that they act without any of those feelings of justice or humanity which the principles and practice of the governors had stripped them of? Mr. Sheridan went into several other topics respecting the French revolution, and charged Mr. Burke with being an advocate for despotism, and with having spoken of the national assembly with an unwarrantable freedom of speech. Mr. Burke answered, that he most sincerely lamented over the inevitable necessity of now publicly declaring, that henceforth his honourable friend and he were separated in politics; yet, even in the very moment of separation, he expected that his honourable friend — for so he had been in the habit of calling him — would have treated him with some degree of kindness; or at least, if he had not, for the sake of a long and amicable connection, heard him with some partiality, have done him the justice of representing his arguments fairly. On the contrary, he had, as cruelly as unexpectedly, misrepresented the nature of his remarks. The honourable gentleman had thought proper to charge him with being the advocate of despotism, though, in the beginning of his former speech, he had expressly reprobated every measure which carried with it even the slightest appearance of despotism. All who knew him could not avoid, with the most unmerited violation of natural justice, acknowledging, that he was the professed enemy of despotism in every shape, whether, as he had before observed, it appeared as the splendid tyranny of Lewis the XIV. or the outrageous democracy of the present government of France, which levelled all distinctions in society.

Mr. Fox's Motion for the Repeal of the Test and Corporation Acts.

March 2.

THE very small majority by which Mr. Beaufoy's motion for the relief of protestant dissenters had been rejected last year*, justified the perseverance of that body in renewing their application to parliament, and could not fail of giving them sanguine hopes of success. Another application was immediately determined upon, to be made in the present session, and the interval was employed, with indefatigable industry, in making every possible exertion to fortify their cause, both by general appeals to the

* See p. 1. of the present volume.

people, and by an active canvas of individual members of parliament. The circumstances of an approaching general election was also thought favourable to their attempt, on account of their great weight and influence in many counties and corporations, and their avowed determination to exert them, on the ensuing occasion, in the support of such candidates only as were known, or should promise, to be their supporters. At the same time it appears, that they wished to consolidate with their own the interest of the Roman catholic dissenters, and probably expected, that they should derive some accession of strength from that quarter, by extending their application so as to include in it the members of that persuasion. Their cause, thus promising and thus supported, it was resolved to entrust in the House of Commons, to the zeal and talents of Mr. Fox. Accordingly, this day,

Mr. Fox, agreeably to the notice he had given, rose to make his intended motion for the repeal of the Test and Corporation acts. He requested the act of the 15th of Charles II. for the well governing and regulating of corporations, as well as the act of the 25th of the same reign, for the prevention of danger from popish recusants, might be severally read by the clerk. He then observed, that as the question he was about to submit to the consideration of the House that day, had excited such great and general expectation, as well in that House as in the country at large, he held it his indispensable duty to state the reasons which induced him, on the present occasion, to move the question, which in two former sessions had been brought forward by another honourable gentleman, and had been so ably argued and so amply discussed by the House. He was confident, the cause, of which he stood that day the advocate, had better have remained in the hands to which it had been entrusted on former occasions: he, however, assured the House, that he did not obtrude himself upon those most interested in the success of the motion; nor was he under any particular obligations to the parties who considered themselves aggrieved and oppressed by the acts in question; yet, regarding their cause as the cause of liberty and truth, to which he should ever profess the most unalienable attachment, he did not hesitate to stand forward the advocate of civil and religious liberty, even in favour of men, who had, on different occasions, acted hostilely towards him. It afforded him, however, a matter of triumph and exultation to observe that, though in former times he had not enjoyed much of the confidence of that description of men who were the object of his motion, yet his vanity was not a little flattered, by the good opinion they must now entertain of him, whom they had solicited with such importunity to conduct the

management of their cause, notwithstanding their former difference of political opinions.

The present was the period which demanded of public men a free and candid explanation of their political sentiments. In considering the case of the dissenters, the first argument which naturally presented itself was that spirit of intolerance and persecution which dictated the oppressive acts, the present subject of grievance and complaint. He conceived it utterly impossible to view any species of persecution, whether civil or religious, without horror and detestation; and therefore the proceedings of a neighbouring nation, in regard to that part of their constitution, so far, in his opinion, from being a subject of censure, merited the esteem and applause of a great people; who were investigating the first principles with a view to secure the rights of men, and were wisely applying them to the abolition of that spirit of persecution and intolerance which had, for a long period, disgraced their government. Were we to recur to first principles, and observe the progress of the Christian religion, in the first stages of its propagation, we should perceive that no vice, evil, or detriment, had ever sprung from toleration. Persecution had always been a fertile source of much evil; perfidy, cruelty, and murder had often been the consequence of intolerant principles. The massacres at Paris, the martyrdoms of Smithfield, and the executions of the Inquisition, were among the many horrid and detestable crimes which had, at different times, originated solely from persecution. To suppose a man wicked or immoral, merely on account of any difference of religious opinion, was as false as it was absurd; yet this was the original principle of persecution. Morality was thought to be most effectually enforced and propagated by insisting on a general unity of religious sentiments; the dogmas of men in power were to be substituted in the room of every other religious opinion, as it might best answer the ends of policy and ambition: it proceeded entirely on this grand fundamental error—that one man could better judge of the religious opinion of another than the man himself could. Upon this absurd principle, persecution might be consistent; but in this it resembled madness; the characteristic of which was acting consistently upon wrong principles. The doctrines of christianity might have been expected to possess sufficient influence to counteract this great error; but the reverse had proved to be the case. Torture and death had been the auxiliaries of persecution—the grand engines used in support of one particular system of religious opinion, to the extermination of every other. Toleration proceeded on the direct contrary principles. Its

doctrines, he was sorry to say, even in this enlightened age, were but of a modern date in any part of the world. Before the reign of King William, it had not a footing in England. The celebrated act of toleration of that reign, notwithstanding the boasted liberality of its principle, was narrow, confined, and incomplete. What was it but a toleration of thirty-four articles out of thirty-nine, prescribed as the standard of belief in matters of religion? Were any tolerated who did not subscribe to the thirty-four articles in question? No. Strict and implicit conformity to these was enjoined on accepting any civil employment. Persecution, indeed, originally might be allowed to proceed on this principle of kindness—to promote an unity of religious opinion, and to prevent error in the important matters of Christian belief. But did persecution ever succeed in this humane and truly charitable design? Never. Toleration, on the other hand, was founded on the broad and liberal basis of reason and philosophy. It consisted in a just diffidence of our own particular opinion, and recommended universal charity and forbearance to the world around us. The true friend of toleration ought never to impute evil intentions to another, whose opinions might, in his apprehension, be attended with dangerous consequences. The man professing such opinions, might not be aware of any evil attached to his principles; and therefore, to ascribe to such a person any hostile intention, when his opinions only might be liable to exception, was but the height of illiberality and uncharitableness.

Thus, much obloquy and unfounded calumny had been used to asperse the character of the Roman catholics, on account of the supposed tendency of their religious tenets to the commission of murder, treason, and every other species of horrid crimes, from a principle of conscience. What was this, but a base imputation of evil intentions, from the uncharitable opinions entertained of that profession as a sect? He lamented their errors; rejected their opinions, which appeared dangerous; was ready to confide in their good professions; and was willing to appeal to the experience of this enlightened age, if they had not been accused unjustly, and condemned uncharitably. For, would any man say, that every duty of morality was not practised in those countries in which the Roman catholic religion was established and professed? Would it not be an imputation as palpably false, as it would be illiberal, for any one to utter such a foul, unmerited, and indiscriminate calumny? But this was always the haughty, arrogant, and illiberal language of persecution, which led men to judge uncharitably, and to act with bitter intolerance. Persecution always said, "I know the consequences of your

"opinion better than you know them yourselves." But the language of toleration was always amicable, liberal, and just; it confessed its doubts, and acknowledged its ignorance. It said, "Though I dislike your opinions, because I think them "dangerous, yet, since you profess such opinions, I will "not believe you can think such dangerous inferences flow "from them, which strike my attention so forcibly." This was truly a just and legitimate mode of reasoning, always less liable to error, and more adapted to human affairs. When we argued *à posteriori*, judging from the fruit to the tree, from the effect to the cause, we were not so subject to deviate into error and falsehood, as when we pursued the contrary method of argument. Yet, persecution had always reasoned from cause to effect, from opinion to action, which proved generally erroneous; while toleration led us invariably to form just conclusions, by judging from actions and not from opinions. Hence every political and religious test were extremely absurd; and the only test, in his opinion, to be adopted, ought to be a man's actions.

He had the most perfect conviction, that test laws had nothing to do with civil affairs. A view of civil society throughout the world must convince every reasonable person, that speculative opinions in religion had little or no influence upon the moral conduct; without which all religion were vain. Such was the great absurdity of the present test laws, that a man who favoured arbitrary power in his sentiments; who should consider the abolition of trial by jury as no violation of liberty; nor the invasion of the freedom and law of parliament any infraction of the constitution; — such a man, in defiance of the present test laws, might easily pave his way to the very first situations in the state. There was no political test to bind him; the custom of the country had deservedly exploded such absurd restraints. No alarm was excited by political speculations: the law considered no man's opinions either hostile or injurious to the state, until such opinions were reduced into action. Then, and then only, was the law armed with competent authority to punish the offender.

Should it be argued, that certain religious opinions might indirectly affect the constitution of the established church, were all sects admitted alike to hold civil employments, without conforming to the test laws, he should contend, that the constitution was equally in danger from civil opinions. Every member of parliament was required to declare his dissent to the doctrine of transubstantiation; but, was the speculative opinion of any member of the House any consideration to his constituents? Did they think it of any consequence whether or not he believed in the real presence? whether he was a

trinitarian, an unitarian, or an anabaptist? Certainly not. For whatever a man's opinions might be, he would repeat his former affirmation, that no harm could possibly arise from them to the state, unless they should be brought into action; and then they certainly would become objects of punishment. To exclude any description of men, therefore, from a participation of the common rights which their fellow-citizens enjoyed was highly unjust and oppressive; unless it were contended that religious opinions ought to be taken as the criterion of political principles. But, to judge of morals from opinion, was always a fallacious mode of reasoning. The House, he trusted, would never abandon general and fundamental principles on the ground of partiality. They should judge of men not from the imputations of their adversaries, but from their own conduct.

The object of the test laws, at first, had been to exclude anti-monarchical men from civil offices; but he would ever reprobate such a procedure; it was acting under false pretences; its tendency led to hypocrisy, and served as a restraint upon the good and conscientious only. Instead of a formal and direct oath of allegiance, there was an indirect, political test resorted to, by means of a religious test; although the obligation of all direct political tests had been justly exploded by the practice of the country. Why not have proposed a monarchical test at once? It would have answered the end far more effectually than the present test; for the test now given, went only to guess at a man's opinion: it might admit those whose political sentiments might be inimical to the constitution, while it operated directly against others who were amongst its staunchest friends. Such was the absurdity, injustice, and oppression of the present test laws, that he sincerely hoped every friend of toleration, every advocate of Christian charity, would join with him that day in reprobating measures which were the disgrace of a free government.

He should decline all minute detail of the loyalty and good conduct of the dissenters, from the revolution to the present period, as he wished all merit and demerit to be put entirely out of the question. Supposing, indeed, demerit had existed, it would by no means follow, that the test laws ought to be continued in force, since they operated to the prejudice of the civil rights of a body of men. A report had been but too successfully propagated, he verily believed, with an intention to separate individuals from the cause they had espoused. It was a mean and unfair attempt; it led to the worst species of persecution; and he sincerely hoped, no real friend to toleration

would ever countenance it: for it went so far as to disapprove of a whole body, on account of the conduct of individuals, who formed a part only of that body. The opinions of another, in matters of religion, ought always to be supposed to be founded on good intentions. As unjustly would it be to deprive a single individual, whose conduct had always been meritorious, of any of his civil rights, on account of any exceptionable conduct in the general body to which he belonged. All merit or demerit, therefore, in the body of dissenters was quite out of the question; and the House had only to decide on general principles.

Indisposed, however, as he was to allow merit or demerit any weight in the discussion of the present question, yet he could not forbear observing, that the conduct of the dissenters had not only been unexceptionable, but also highly meritorious. They had deserved well of their country. When plots had been concerted, combinations formed, and insurrections raised against the state; when the whole country was in a state of alarm, distraction, and trouble; when the constitution, both ecclesiastical and civil, was in immediate danger of subversion; when the monarch trembled for the safety of his throne, crown, and dignity, the dissenters, instead of being concerned in the dangerous machinations forming against the government, proved themselves, in the hour of peril and emergency, the firmest support of the state. During the rebellions of 1715 and 1745 they cheerfully had exposed their persons, lives, and property, in defence of their king and country; and by their noble exertions our enemies were defeated, our constitution preserved, and the Brunswick family continued in possession of the throne. They were then, as they are now, incapacitated from holding commissions, civil or military, in the service of their country. Did they plead their incapacity, and the penalties to which they were subject? No: they freely drew their swords: they nobly transgressed the laws which proscribed them; and successfully fought the battles of our constitution. For this gallant behaviour all the retribution they ever obtained was an act of indemnity—a pardon for doing their duty as good citizens, in rescuing their country in the hour of danger and distress! Such were the absurdities of the laws framed on the monstrous principles of persecution, which extend equally to the commissioned officers of the army and navy, of the established church of Scotland, who are obliged, under the penalty of fine and deprivation of their civil rights as citizens, as much as the dissenters, to conform to the test laws. Though the generosity of the British parliament had been conspicuous in pardoning the dissenters for their illegal display of bravery and loyalty, in the season of

emergence and apprehension, yet the officers belonging to the church of Scotland had not experienced the same indulgence; no act of indemnity had been passed in their favour. The test laws, indeed, were not put in force against them; yet they were liable to penalties and incapacities, in consequence of their acceptance of their respective civil offices. The House ought to relieve those men, to whom they were so much indebted, from the degrading necessity of receiving pardon for their meritorious services as good subjects and citizens. The Irish had set us a noble example of liberality and generosity, by their vote declaring every man who should prosecute a dissenter for his services an enemy to his country and a jacobite.

By the repeal of the test laws, what could there be to dread? Would we fear the pope or pretender? Would the apprehension of a civil or foreign war be the necessary consequence? King William, in one of his speeches from the throne, expressed a wish to employ dissenters of every denomination in the service of the country. Every prince of the line of Brunswick had cordially concurred in the same generous desire with that monarch. Now was the properest moment to exercise such liberality as a complete toleration required. The conduct of the dissenters had been uniformly peaceable; the state had nothing to apprehend either from their disloyalty or ambition. He wished he could say as much of all other sects. The high church party, which had happily been dormant for a great number of years, was now reviving; it had not been dead, as he had hoped, but had only for a time, it seems, lain asleep. Their constant cry had ever been, "The church is in danger!" He was sorry to observe some dignitaries of the church, men of distinguished talents, whom he held in great respect, join in the absurd alarm, and express their affected and chimerical apprehension of danger upon the present occasion. Were there not many avowed dissenters both in that and the other house of parliament? Yet no danger was ever entertained from that circumstance to the constitution. "But," say the party, "if you make a dissenter an exciseman, there will be danger." The high church party were, in the general, jacobites; the avowed advocates of the doctrines of passive obedience and non-resistance. This reminded him of what Dean Swift had said, in his usual spirit of sarcasm, "That "though every whig might not be an infidel, yet he was "sure every infidel was a whig." So with much more truth it might be said, "Though every high churchman might not be a jacobite, yet every jacobite most certainly was a high churchman." While this party were hostile to the reigning family, and active in exciting tumults, insurrec-

tions, and rebellions, the dissenters had distinguished themselves as good, peaceable, faithful, and loyal subjects. Yet the party were allowed, in this enlightened age, again to sound their false alarm, to repeat their senseless cry of the church being in danger!

The sentiments of Hoadley, and other dignitaries of his time, he had thought sufficient to make the clergy forget their dull and idle cant, by convincing them of the absurdity of all religious tests. Danger was apprehended to the church from the supine indolence of the clergy, and the superior activity and zeal of the dissenters in the discharge of the duties of their sacred functions. To fetter the dissenters with penalties and incapacities, on account of the remissness of the established clergy, was a measure replete with cruelty, absurdity, and injustice; it went upon the principles of making one man suffer for the neglect of another. He ridiculed every idea of danger to the church from a repeal of the test laws. The dissenters were less numerous as a body; and had little or no power, when compared with the authority and affluence of the church. He was sorry to observe bishops, deans, prebends, and other dignitaries of the church, who were in possession of great landed estates and splendid establishments, so ready to stand forward the avowed advocates of oppression and persecution, under the false pretence of danger. Whence could the danger arise? He defied any one to prove it. At the Union, two churches had been established in different parts of Great Britain. He would ever commend the enlightened policy of that time, which allowed both the kirk in Scotland and the hierarchy in England to be religions equally true. The episcopalians in Scotland had an equal right with the members of the kirk to the acceptance and enjoyment of civil offices. There existed no religious test in Scotland; there was therefore no act of indemnity necessary to justify the episcopalians for their patriotic services during the rebellions. From the conduct of the kirk, it could not be argued, that those whose religious principles were at variance with the creed of the English hierarchy were enemies to toleration.

The dissenters were said to be always strenuous advocates for toleration when out of power, but capable of great intolerance when in posession of authority. Was this the fact? Quite otherwise. In America, what was their conduct? They were in full possession of power; but were they at all intolerant? No. So far from it, that universal toleration prevailed throughout every province, without any disadvantage to the government of the states. Notwithstanding the greatest diversity of religious opinions, the most cordial unanimity prevailed in all their civil operations. In Ireland, too,

the test had been repealed for years, and the church had been in no danger, though surrounded by dissenters in an infinitely greater proportion than in this country. If, therefore, the church of Ireland, under such disproportion of numbers, had so long existed, without danger from the repeal of the test laws; and if the kirk of Scotland, with little power and influence, had done the same, was it not absurd in the extreme to say that the established church of England, with all its power, wealth, and numbers, could not do the same thing, without endangering its existence? Such fears, he would repeat, were idle and chimerical, asserted only, in his opinion, for the purposes of oppression.

With regard to the church itself, he highly approved of its discipline and abstract duties. It had wisely avoided all that was superstitious, and retained what appeared to him to be essential. He therefore admired and revered it, and declared himself firmly attached to it: but of the individuals who composed it he must say of them, as of all other public bodies, that while he highly respected some, there might be others who could have no claim to his regard. They, no doubt, were a mixture of good and bad; he must, however, strongly object to the church, whenever it presumed to act as a party; its interference in politics had been always mischievous, and often dangerous to the constitution. The church, as a party, was a formidable body; it had formerly, as now, used the powerful engine of their real or pretended fear, which, in the hands of tyrants, had ever proved the signal of oppression. The church had long taken the lead in the cause of jacobitism, and in the reign of Queen Anne had been active in the instigation of tumults and confusion, in support of the doctrines of arbitrary power. He ever should be a decided friend to an established religion, but it should be an establishment founded on the opinions of the majority of the people. The truth of religion was not a subject for the discussion of parliament; their duty only was to sanction that which was most universally approved, and to allow it the emoluments of the state. A conviction of the reasonableness of such a procedure, dictated so much liberality in the religious establishments at the union, as well as the more recent establishment of the Roman catholic religion in Canada.

Innovations were said to be dangerous at all times, but particularly so now by the situation of affairs in France. But the hopes of the dissenters were not founded upon the most distant reference to the transactions which had taken place in that kingdom. Their application to the House, on the present subject, had been made three years ago,* when the most

* See Vol. iii. p. 310.

sagacious among them could not form any thing like a conjecture of what had since happened in that country. Yet he saw no reason why the example of France ought not to have its influence; the church there was now suffering for its former intolerance. However he might rejoice in the emancipation of near thirty millions of his fellow creatures, and in the spirit which gave rise to the Revolution; yet he was free to own there were some acts of the new government which he could not applaud. The summary and indiscriminate forfeiture of the property of the church came under this description. But the violence of this proceeding might, in some measure, be attributed to former ecclesiastical oppressions; and, in particular, to the impolitic revocation of the edict of Nantes. The constitution, both civil and ecclesiastical, previous to this period, had remained unmolested and unimpaired; there existed no test: protestants and catholics were indiscriminately admitted into civil and military offices: but by that rash measure, liberality and toleration were thrown away; the arts and manufactures were driven into other countries, to flourish in a more genial soil and under a milder form of government. This should serve as a caution to the church of England. Persecution might prevail for a time, but it generally terminated in the punishment of its abettors.

He observed, that the church had owed its existence to a rational innovation, and the constitution had derived much of its excellence and beauty from the same source; the Reformation had established the one, and the Revolution the other. The nature of monarchy was such, as to require an occasional renovation of the people's rights, to prevent encroachments. It was the opinion of Mr. Hume, to whose talents, as a philosopher, he paid just deference, that monarchy would soon become absolute, if not subject to frequent innovations. But what was the innovation which was now so much dreaded? Was it an attack on Magna Charta, or the Bill of Rights? No. It was only the simple repeal of an act of Charles II. which the parliament passed out of compliment to the king, in the overflowing effusion of their loyalty, at the conclusion of the civil war. The corporation act went to exclude dissenters whose political sentiments were considered as anti-monarchical; and the test act was intended to operate against the Roman catholics. He should ever reprobate such acts as the pillars of the constitution. What! was any specific mode of administering the Lord's Supper, to be considered as the corner-stone of the constitution? A constitution with such a rotten foundation, was, in his opinion, not worth preserving. The leading feature of true religion, he had always understood to be charity. When he viewed the church,

and saw churchmen discovering a spirit directly opposite to the religion they professed, he must consider them as men who were ambitious of a monopoly of power, under the mask of an affected apprehension of danger. The christian religion breathed nothing but charity and forbearance; it was neither taught originally to kings and senators, nor had it any necessary connection with government. It had existed for centuries, without any assistance from the secular arm. Though a learned prelate, Bishop Warburton, had proposed a decent and honourable alliance beween the church and state; yet it was not an alliance founded on the purity of the christian doctrines, but merely on promises of mutual support. According to this new-fangled doctrine, the church was not to depend upon its own merits; nor was religion to be established by the truth of its own evidence; but it was to be supported by the assistance of civil authority. Was this the manner in which christianity was first propagated? In its infancy, when it had to combat the prejudices of mankind, and to make its way through an infinite number of other obstacles, was its progress indebted for any support from the indulgence of the Roman emperors senate? For a christian prelate, then, to appeal from the truth of the scriptures to the authority of secular power, in support of the christian religion, was an idea he should ever reprobate, as contemptible and shameful. Religion, in his opinion, had no reference whatever to the political constitution of a state: from such an alliance, it would contaminate and be contaminated; the one would be corrupted, and the other enslaved.

The clergy, he was sorry to observe, had uniformly acted with great artifice and duplicity, down from the time of the Reformation; when they made their own chimerical fears, which existed no where but in their own heated and disordered imaginations, the ground of unprovoked and unmerited persecution. Report said, but he sincerely hoped without foundation, that a certain prelate of the church (St. David's) had recently written a circular letter * to the

* Copy of a letter from Dr. Horsley, Bishop of St. David's, to the Clergy of his Diocese:

"Sir William Mansell has declared himself a candidate to represent the borough of Carmarthen in the next parliament. I cannot refrain from declaring, that he has my heartiest good wishes. Mr. Phillips, the present member, has received the thanks of the dissenters for the part he took in the late attempt to overthrow our ecclesiastical constitution, by the repeal of the Corporation and Test acts. By this, it is easy to guess what part he is likely to take in any future attempt for that purpose. I hope I shall not have the mortification to find a single clergyman in my diocese, who will

clergy of his diocese, requiring them to withhold their votes and interests at the next general election from a particular member of that House, for his having voted for the present motion, when under discussion during the last session. If innovation was a subject of so much dread, what innovation could be more alarming to the constitution than this precedent of an English bishop, interfering not only in an election for a member of parliament, in direct violation of the privileges of that House, but also presuming to marshal his ecclesiastical tribe in civil array, and denouncing his anathemas against every one who should be of opinion that the civil power could exist independently of the authority of the church? Such antichristian conduct was ill calculated to remove the spirit of party and of faction, with which the dissenters must be actuated, under the pressure of grievance, oppression, and persecution. Many of the dissenters, he was persuaded, were friendly to the church establishment; but by such intolerance, they might be driven to entertain the most inveterate enmity. If their influence and opposition were now dreaded, how much more so ought they to be, when roused into resentment, irritated into hatred, and persecuted into hostility? It had often proved a matter of lamentation to high churchmen, and it had been complained of as a grievance, that dissenters had, on some occasions, conformed to the test laws. It was rather a delicate point for any clergyman to scruple complying with an application for the administration of the sacrament; though in some instances, a refusal had been made, on the ground of immorality. But he must condemn such a political establishment, which required a man to go to our church, while he belonged to a sect which, perhaps, held tenets diametrically opposite; it was a direct method to promote vice, immorality, and profaneness. The abuse of so much power, too, in the hands of the clergy, might be attended with infinite mischief. The repeal of the test laws, it was said, would inevitably prove an infringement of the union. But this was a palpable and egregious error. So far were the test laws from being among the essential articles of the union, that when they were formally proposed to become perpetual, they were rejected.

Some stress had been laid on the writings and opinions of certain individuals among the dissenters, who had publicly avowed their opposition to the church establishment. Dr.

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be so false to his own character, and his duty to the established church, as to give his vote to any man who has discovered such principles. I am, reverend sir, your affectionate brother, and faithful servant,

Aberguilly, SAMUEL ST. DAVID'S."
August 24, 1789.

Priestley had been particularly pointed out as an objectionable character in this respect. But what danger could possibly arise from the adverse opinions of this truly eminent and learned gentleman, to the hierarchy? Was it any proof of a design to subvert the ecclesiastical constitution? No. Any person might disapprove of our civil constitution; might object to the popular part of our government; might avow his sentiments ever so openly; and yet be not liable to any civil incapacity. A noble duke (Richmond,) high in office, had attempted a reform in the constitution of the legislature; the chancellor of the exchequer had done the same; but the patriotic exertions of both had failed of success; yet, from their opinions, no danger had been apprehended to the constitution. After such an instance, then, of what little influence opinions have on practice, we might as safely allow Dr. Priestley to be at the head of the church, as the present minister at the head of the treasury; as the opinions of the one were not more hostile to the hierarchy, than those of the other had been to the present constitution of the legislature. Another reverend gentleman, (Dr. Price,) in his sermon on the anniversary of the Revolution, had delivered many noble sentiments, worthy an enlightened philosopher, who was unconfined by local attachments, and gloried in the freedom of all the human race. Though he approved of his general principles, yet he considered his arguments would have better become his speech than a sermon. To make of the pulpit, the altar, or sacramental table, political engines, he must ever condemn, whether in a dissenter or a churchman. The clergy, in their sermons, ought no more to handle political topics, than the House to discuss subjects of morality and religion. Arguing as he had done against the prostitution of the sacramental test, religion and politics ought ever to be kept separate.

Whatever might be the fate of the present question, of this he was fully confident, that if the test laws were once repealed, the jealousy of the church would be at an end; if the barrier of partition was removed, the very name of dissenter would be no more. Should the majority of the House, however, determine in favour of the continuance of the test laws, it would only serve to keep alive a spirit of animosity between the parties; it might lead to stronger exertions in defence of civil rights; and other applications to the wisdom and justice of the legislature must be the necessary consequence. Some distinguished writers upon the subject had asserted, that as the test laws had received the sanction of parliament, it was the duty of the dissenters quietly and implicitly to submit. But was not this doctrine repugnant to the privilege

which was the boast of every British subject, of petitioning the legislature, when oppressed or aggrieved by any law? There was an end to our liberty at once, if we durst neither complain of grievance, nor petition for redress. The dissenters, he hoped, would strenuously persevere in their applications, until they found the object of their wishes gratified in a complete toleration. In pleading their cause, he had only supported the principles of general toleration, and the universal rights of mankind.

In all the great political questions which he had had the honour to introduce for the discussion of parliament, he had always had the good fortune to agree in opinion with, and to experience the support of, all those friends to whom he was attached from principles. Though he should ever glory in the name of a whig, as an honourable distinction which characterized the advocates of civil and religious liberty; though it was the pride of his life to act with the cordial approbation of the party to whom he belonged; yet, a right honourable friend (Mr. Burke), whose opinions always had the greatest weight with him, did not think as he did on the present question. Much, however, as he respected his opinions, and highly as he thought of his understanding, yet, in every contest where liberty and the civil rights of men were involved, he should ever enlist under the same standard, however formidable his opponents in the ranks. In the part he had that day taken, the tongue of slander might possibly represent him as another Oliver Cromwell attacking the church; he had been compared to that usurper on a former occasion, as attacking the crown, even by the very men whose cause he was now pleading. Their cause, however, he had undertaken, from a conviction that it was a just cause; and he should be ever ready to become the advocate of those churchmen, who might now perhaps load him with obloquy, whenever he saw them in real danger. He would now cheerfully submit to the disadvantage of momentary unpopularity, confident that the time was not very distant, when the world would do ample justice to his motives. He then concluded, with moving, "That the "House will immediately resolve itself into a committee of "the whole House, to consider of so much of the said acts as "requires persons, before their admission into any office, civil "or military, or any place of trust, under the crown, to re-"ceive the sacrament of the Lord's supper, according to the "rites of the church of England."

The motion was supported by Sir H. Hoghton, Mr. Beaufoy, Mr. William Smith and others; and opposed principally by Mr. Pitt, Mr. Powys, Mr. Yorke and Sir William Dolben. Mr. Burke

concurred with Mr. Fox upon the general ground of many of his arguments respecting toleration, and declared, that had the repeal been moved for ten years ago, he should probably have joined him in supporting it; but he had the strongest reasons to believe, that many of the persons now calling themselves dissenters, and who stood the most forward in the present application for relief, were men of factious and dangerous principles, actuated by no motives of religion or conscience, to which toleration could in any rational sense be applied. He also agreed with Mr. Fox, that men were not to be judged merely by their speculative opinions, but by their opinions and conduct taken together. He then produced and read to the House, several documents to substantiate the allegations he had before made.

Mr. Fox rose to reply. He began with observing, that however exhausted and fatigued he might feel himself from the length of the debate, at that late hour, yet with the strength he had remaining, he would exert his best endeavours to answer every argument that had been advanced against the motion which he had that day the honour to make. There had been certain points in which he had been misunderstood, and many of his arguments had been unfairly stated. This might be owing to an inaccuracy in his method of laying down his positions, and not to any intention of misrepresenting his argument. He had contended, upon the principle of toleration, that we were not warranted in deducing inferences from men's opinions contrary to their professions; unless their conduct and principles disagreed. The chancellor of the exchequer had gone the length of arguing that we might deduce inferences from our own opinions of the effect of the conduct of an adversary, without attending to his actions; whereas we ought to give every man credit for his conduct, until his actions contradicted his professions. The dissenters ask for a simple repeal of the test laws. The minister's argument went upon this ground — if the dissenters obtain the object of their present application, they would be encouraged to grasp at more; and there was reason to apprehend from their principles that they would not relax in their endeavours, until they had completely subverted the present establishment. But this was not the declaration of the dissenters; it was merely the unfair inference of the minister, judging of evil intentions from men's opinions, and not from their actions. From the argument of the right honourable gentleman last year, and the points upon which he had then principally insisted, he had been induced to meet his objection, and therefore he had set out with laying down the principle of toleration in opposition to that of persecution. In explaining himself upon this subject, he had endeavoured to prove, that if the principle of persecution, as generally re-

ceived and understood, was originally a right principle, then it would follow that the bloody transactions which took place in the reign of Charles IX., such as the massacre of Paris, and the murder of the protestants; as well as the cruelties of Smithfield, and other places, were all mild, benevolent, and merciful acts. If the original principle of persecution extended to such unjustifiable enormities, must it not be palpably wrong? He then abandoned such a principle as untenable; and argued upon that of toleration. But, in calling the repeal of the test laws a question of toleration, he might not be exactly accurate. Though it might not come within the extent of the true principle of religious toleration, yet of this he was confident, that it was a question of justice, upon which the claim of the dissenters was well-founded, to the indulgence of the House.

Upon this nice and subtile distinction, however, an objection had been urged by the right honourable gentleman against his motion, which was nothing but specious sophistry and inconclusive reasoning. He should ever protest against the principle of prejudging the conduct of another from his opinions, when his conduct and declarations were directly the reverse—to say any man intended mischief when he professed friendship, and especially if his conduct accorded with such a declaration, was very unfair and unjust. A resemblance had been attempted to be drawn between a religious test and an oath. But in what did it consist? In taking an oath, it was true, a man made a religious appeal; but it always was an appeal to his own religion. A Jew was sworn upon the Old Testament; the greater number of Christians upon the Evangelists; the Quaker by his own affirmation; and the Mahometan upon the Alcoran. The solemnity of an oath was allowed every conscientious man, to be taken agreeably to his own particular mode of religion. Where then was the analogy between a religious test and the taking of an oath? Was it any thing like men of different persuasions, professing different creeds, submitting to the sacramental test? Certainly not. Here the right honourable gentleman's ingenuity and sophistry had also failed him.

An honourable baronet had thought it necessary to enter into an elaborate defence of the respectability of the clergy as a body. Had there been attempted any general attack upon the church? No. In speaking of the church he had only animadverted upon its conduct, when it presumed to act as a party. He should ever reprobate the principles and conduct of the high church party, who had uniformly distinguished themselves as inimical to the constitution, and to the civil rights of the subject. But in that class of the clergy denominated the low church, there had been men of liberality

and talents whom he should ever hold in the greatest respect. They were worthy members of the church; had proved themselves distinguishingly instrumental in the establishment of political freedom, at the Revolution. Many now in this party, he understood, were sincere friends to his motion; and had heartily joined in the intreaty of the dissenters to bring the subject forward. He was happy to find that there were clergymen of such liberality of spirit and disposition in the present day. An honourable gentleman had observed, that the subjects of the test and corporation acts had better have been discussed separately. He could not forbear expressing his surprise at this observation: as the subjects of both acts were so intimately connected and involved, in his opinion, as to present themselves fitter for consideration and discussion together than separate. If they were to be considered separately, the corporation act appeared to him the most exceptionable in a constitutional point of view; as a restriction upon the subject in the exercise of a natural right ought to be regarded in that House with a greater degree of jealousy, than even a restriction upon the king in the exercise of his royal prerogative.

What he had heard with the greatest concern in the course of that evening's debate, had been the speech of his right honourable friend (Mr. Burke). It had filled him with grief and shame. Sentiments had been uttered which he could have wished to have remained a secret for ever. Though he was indebted to his right honourable friend for the greatest share of the political knowledge he possessed,—his political education had been formed under him,—his instructions had invariably governed his principles; yet, mortified as he had been by his speech of that evening, he had, however, received this consolation from it, that every principle which he had laid down, had been avowed by his right honourable friend in the course of his speech. While he had stated his principles, and had argued from an application of inferences deducible from those principles, his right honourable friend had, on the contrary, taken pamphlets, private letters, anecdotes, conjectures, suspicions, and invectives, for the materials of his speech; which he had worked up with all the charms of fancy and the embellishments of oratory, for which his right honourable friend was so eminently distinguished. Such had been the grounds upon which he had founded his opposition to the motion under discussion, to which he declared he should have been a friend ten years ago. What did this prove? but that he had retained his opinion upon the subject ten years longer than his right honourable friend. With respect to the anecdotes quoted of the Duke of Richmond,

having addressed a singular speech to the bishops during the American war, he saw an analogy between that story and the argument of this day.

The conduct of the dissenters in declaring that, at the next general election, they would only support men who were well affected to the cause of civil and religious liberty, he did not see liable either to objection or censure. He was astonished to hear gentlemen talk of this as a test imposed by the dissenters upon their representatives. Did not gentlemen on the other side the House declare in the course of the debate, that, in their own opinions, they were friendly to the motion; yet, in obedience to the instructions of their constituents, who were churchmen, they considered themselves as bound to oppose it. Was not this imposing a test? How different the conduct of the dissenters, who were the constituents of the honourable gentlemen, Messrs. Windham and Tierney, who assured them they might vote on this question according to their conscience! He wished churchmen had shewn as much liberality. In Dr. Priestley's manly declaration of his individual opinion, expressive of dislike of establishments, he saw no criminality whatever. Any man might avow his dislike of any civil institution; but as long as his opinion was not brought into action there could be no criminality. If such conduct was criminal, he desired to be considered as a participator in the guilt.

The production of the letter of Mr. Fletcher from Bolton, by his right honourable friend, he acknowledged, did not a little surprize him; for if ever there was a paper which furnished an argument in favour of the question, that letter was one. He had never heard of the name or conduct of Mr. Fletcher before; but if any argument could be depended on, that which Mr. Fletcher had urged was essential, in his opinion, towards proving, that those dissenters who deserve well of the legislature, ought to be separated from those who are not inclined to be content with the simple repeal of the test laws. What had been the argument of his right honourable friend, in a debate during the American war, by which he had done himself infinite honour? It was a doctrine, *prima facie*, which appeared an absolute paradox, but founded, notwithstanding, in true wisdom and sound policy. The subject was the division of Massachusetts' Bay from the province of New York and others. "What!" said his right honourable friend, "separate Massachusetts' Bay from New York, with a view to adopt this weak and absurd maxim, *divide et impera?* I scout the idea—I never will consent to it; but I will agree to the division of America." The House imagining his right honourable friend had committed a blunder, continued

for some time in a roar of laughter. But what was his explanation? It was this: "I will divide America, not by separating Massachusett's Bay from the other provinces, but by abandoning the disloyal and disaffected provinces, and preserving those which are well disposed to us, not by any coercion, but by granting them all they wish for." The same prudent advice would be politic for the House to adopt in regard to the dissenters. Separate the dissenters—break their union—abandon those who are unreasonable—and grant to all such as are moderate all they so justly require. I verily believe, said Mr. Fox, if you repeal the test laws, there will be an end of all farther claim of the dissenters to the indulgence of the legislature. But this, he desired to be understood, was only his own speculative opinion, and not any pledge offered to the House, warranted by any declaration of the dissenters; they were at liberty to lend as much credit as they thought proper to this opinion.

But how was the strange dereliction of his right honourable friend from his former principles to be accounted for? He could only ascribe it to the effect of his too great and nice sensibility; whose chief delight had always been benevolence and mercy; whose feelings had been shocked and irritated by a mistaken idea of the transactions in France, which had been nothing more than the miseries to which every country was unavoidably subject, upon every revolution in its government, before the new constitution had acquired its full operation and establishment. The imagination of his right honourable friend had eagerly caught hold of such objects, and, in contemplating the ruin of the government, the desolation of the church, the misery of the beggared ecclesiastics, and the general distresses of the inhabitants, he had actually lost the energy of his natural judgment, through the exquisite acuteness of his feelings; otherwise, a person of his great good sense could never have been so led astray into enmity against the just cause of the dissenters, as a body, merely because Dr. Priestley, Mr. Palmer, and Mr. Robinson happened to differ from him in their speculative opinions. The assurance of the dissenting ministers, when the bill passed about fourteen years ago, respecting dissenting teachers and schoolmasters, that they would apply no more for themselves, had been very unfairly and disingenuously applied in argument by the right honourable gentleman opposite to him. Did the present application come, as that had done, specifically from the dissenting ministers? The extract read from Dr. Kippis did not go to preclude the ministers from joining their lay brethren in an application to the legislature for a matter of general relief. The dissenting ministers, from the repeal of the test laws, had

no emolument to expect, nor any advantage, civil or religious, to gain. They had been perfectly consistent with their assurances; their claims, as ministers, were perfectly distinct from those of their lay brethren; and the right honourable gentleman ought not to have confounded them, in order to tax them with a breach of good faith.

The allusion to the conduct of Lord George Gordon, and the riots in 1780, he could not suffer to pass unnoticed. It was insinuated that the mob resembled the dissenters; the fact was quite otherwise. If there were any resemblance in the case, it was this: the clergy of the established church stood in the shoes of the mob; but the dissenters in those of the poor persecuted Roman catholics. He remembered, with pleasure, the conduct of his right honourable friend upon that occasion *; it reflected upon his friend's character great honour; for, in defiance of the rage and madness of the mob, he persevered in the laudable purpose in which the House were then engaged, of extending toleration to the Roman catholics. The mob then were illiberally insisting upon a repeal of a good law; the members of the established church were now as illiberally objecting to the repeal of a bad law. All unprincipled mobs he should ever regard with extreme horror and indignation; their cry was still the same, whether they were peasants, gentlemen, or bishops. Ignorance, prejudice, or fanaticism, were their general topics of declamation. From the violence of their rage, the God of peace and order ever preserve us! Mr. Fox, congratulating himself on having been selected by men who had rather acted as his enemies than friends, to fight their battles, concluded with assuring them, that so sincerely was he a friend to their cause, that he should be ever ready, on any future occasion, to take the field for them again; under the clearest conviction that their

* On the 6th of June 1780, during the riots, a detachment of foot guards took possession of Westminster-hall, the doors of which they at last closed to prevent the mob entering there: several members of both Houses who walked down on foot were thus prevented from getting into the House for a considerable time, among whom was Mr. Burke, who was presently surrounded by some of the most decent of the petitioners, who expostulated with him on his conduct, in abetting Sir George Savile's motion for the Roman Catholic bill; Mr. Burke in his defence said, he certainly had seconded the motion for the bill, and thought himself justified in so doing; he said, he understood he was a marked man, on whom the petitioners meant to wreak their vengeance; and therefore he walked out singly amongst them, conscious of having done nothing that deserved their censure in the slightest degree, having always been the advocate for the people, and meaning to continue so. Mr. Burke at last got rid of his troublesome interrogators.—See New Parl. Hist. Vol. 21. p. 662.

complaint of grievance and oppression, in the present instance, was well founded.

The House divided:

	Tellers.			Tellers.	
YEAS	Mr. W. Smith, Mr. Beaufoy	105.	NOES	Mr. Neville, Mr. Powney	294.

So it passed in the negative.

MR. FLOOD'S MOTION FOR A REFORM IN PARLIAMENT.

March 4.

THIS day Mr. Flood made his motion for leave to bring in a bill to amend the representation of the people in parliament. To supply the deficiency, both in the representative and constituent body, Mr. Flood proposed, that one hundred members should be added, and that they should be elected by the resident householders in every county. The motion was seconded by Mr. Grigby, and opposed by Mr. Windham, who said, that if he had approved ever so much of the right honourable gentleman's proposition for a parliamentary reform, he should object to it on account of the time at which he had thought proper to introduce it. What, he said, would he advise them to repair their house in the hurricane season? Speculatists and visionaries enough were at work in a neighbouring country; there was project against project, and theory against theory, *frontibus adversis pugnantia:* he entreated the House to wait a little for the event, and in the mean time to guard with all possible care against catching from them the infection.

Mr. Fox declared that he agreed with the right honourable gentleman, who was of opinion, that this was a question extremely important to the country; but it was, as his right honourable friend near him had said, a question, which he had considered as a sleeping question, for the present. Though he held the same opinion he used to hold upon the subject of parliamentary reform, he thought it but fair to state, that he believed that opinion was not the opinion of the majority either within or without doors. With regard to the question of the Middlesex election, he differed upon it from the right honourable gentleman who had made the motion. The right honourable gentleman thought that the representation ought always to depend on the majority: now, he thought otherwise; and therefore the right honourable gentleman, according to his view of the case, was right in his opinion; and

as he saw the matter in another point of view, he was in the right in his opinion likewise. It was rather extraordinary, that the House, for thirteen years, were in possession of a legal opinion of the judges upon the case of the Middlesex election, and yet, to that day, Mr. Fox said, he remained convinced that this House was in the right, and the people and the judges in the wrong. He declared he agreed with the honourable gentleman, that a difference in the representation in parliament would not have prevented the commencement of the American war, but that he thought that the war would have been ended some years sooner, and that some millions would have been saved to this country, had a reform taken place in time. Sure he was, that what happened in 1784 would never, in that case, have taken place. He had not the honour of a personal acquaintance with the right honourable mover of the question; but the observations he had made on France and what was going on there, did not deserve the sort of remarks which had fallen with so much ingenuity from his honourable friend (Mr. Windham)—remarks which he could scarcely have thought could have fallen from a gentleman possessing the sense of his honourable friend. He agreed with the right honourable mover with regard to the affairs of France, and saw no reason, as some gentlemen did, why we ought on that account to be struck with a panic. He was one of those who, if the right honourable gentleman was inclined to withdraw his motion, wished him to do so; but he would state his objection to the motion, that it might not appear the same as that of the right honourable gentleman who spoke last. He thought the present state of France no objection to proceeding with the business of reform then, because he never could agree, that what was passing abroad, ought to have any influence on their proceedings, in respect to their internal and national concerns. His honourable friend had asked, Would any man repair his house in the hurricane season? He would be glad to know, what season was more proper to set about a repair in, than when a hurricane was near, and might possibly burst forth. With regard to the proposition, the right honourable gentleman had said it would admit of amendment, and he was indifferent how it was fashioned, so that the sum and substance of it were adopted. Was that any ground for conceiving that the right honourable gentleman was only anxious for a change, no matter what? That was a fresh proof of the truth of the right honourable gentleman's position, which no man could deny, that the representation in parliament was inadequate; and if it had been perfected, he was persuaded, they should not have heard the right honourable gentleman sarcastically glanced at by another

honourable friend of his, under the idea of a member of the national assembly of France coming here in the character of a political missionary, to preach the blessings of reform. Had the representation in that House been reformed, he was convinced that every member of it, no matter what his country was, would have been regarded only as one of the representatives of the people of Great Britain, and in that House, at least, all would have been considered as upon a level, and each as invested with an equal right to come forward with whatever motion he thought proper. Mr. Fox owned that he thought the outline of the present proposition the best of all which he had yet heard suggested. If, therefore, the question was put, he would vote against the adjournment.

Mr. Pitt opposed the motion. Mr. Burke combated the various arguments that had been urged in favour of the motion. He particularly contended, that the people did not wish for any reform, and that such attempts did not originate with, or were countenanced by them. He contended that the American war was a war of the people, and that it was put an end to by the virtue of the House of Commons, with scarce any interference of the people, and almost without their consent. Mr. Powys, Mr. Wilberforce, and Mr. Secretary Grenville, spoke on the same side; and Mr. Courtenay, Sir Joseph Mawbey, Mr. Martin, Mr. Duncombe, and others, for the motion. At length Mr. Flood agreed that it should be withdrawn.

Tobacco Excise Bill.

April 16.

DURING the course of the session, a great number of petitions from various parts of Great Britain, had been presented, praying for the repeal of the act for subjecting dealers in tobacco to the excise, which had passed in the last session of parliament. These petitions were, on the motion of Mr. Sheridan, referred to a committee of the whole House; and the 16th of April was fixed for taking them into consideration. On this day Mr. Sheridan began a long and eloquent speech, with an invective against the whole system of the excise laws; in which he illustrated and urged with great force all the usual topics which have been employed upon that popular thesis. He then adverted to the peculiar hardships of the tobacco bill. He enforced the objections which had been made last year, by a number of allegations taken from the petitions which had been presented, and information he had received from the manufacturers themselves; and concluded by moving,

"That the survey of the excise is inapplicable to the manufacture of tobacco." After the motion had been opposed by Mr. Pitt, and powerfully supported by Sir Grey Cooper and Mr. Windham,

Mr. Fox observed, that he also, in his turn, could not avoid upbraiding the right honourable the chancellor of the exchequer for having gone into a panegyric on those excise laws which were founded on a complete system of tyranny and oppression. He must complain, likewise, of the manner of the right honourable gentleman's answering his honourable friend, (Mr. Sheridan,) by saying, "If you say this, you will repeal the existence of all the excise laws." If the right honourable gentleman could have refuted what his honourable friend had said by argument, it would have been competent for him to have done so; but to dare him thus to undertake what he not only never had undertaken, but on the contrary, expressly provided against, was to answer arguments by mere declamation, and could be done only with a view to intimidate. Mr. Fox said, that when he saw a large revenue obtained by being collected under the excise laws, he did not admire those laws; but he admired the unexcised iron manufactory, the unexcised manufactory of Staffordshire ware and pottery, the unexcised woollen, cotton, and fustian manufactories, by means of which the subject was enabled to pay taxes to so great an amount. "When I look," added Mr. Fox, "at the excise, what is it that I admire? Not the excise, but the unexcised trade which enables us to bear it! Not the produce of the tax upon beer, which is very great, but the industry, and consequent wealth, which enable us to drink it!" From the language of the right honourable gentleman that day, as well as from what had fallen from another right honourable secretary on a former day, he suspected that there was not one article to which the excise might be extended, which it was not in the contemplation of the present administration, if necessary, to apply it to; and therefore, any apprehensions which he had before entertained on that point, were now much increased.

Mr. Fox defended several parts of Mr. Sheridan's speech, and charged the chancellor of the exchequer with having grossly misrepresented them. He pointed out two or three passages, and compared them with the chancellor of the exchequer's answer to prove this assertion. He mentioned the uniform tenor of statement in the petitions, as a proof of the validity of the declarations of the manufacturers, that the excise was inapplicable to their manufacture, and he cited the excellent characters of Mr. Postlethwayte, and of Messrs. Pollard and Sale, and others, as the refutation and answer to the

chancellor of the exchequer's declaration, that he doubted the credibility of the evidence. Their reputations were, he said, completely established, and they were known to be as free from smuggling as any gentleman in that House. He argued, therefore, against the unfairness of insinuating a doubt of their veracity, and the more especially, as the right honourable gentleman had himself admitted, that, with regard to the secrets and other points, he had no means of ascertaining whether what the manufacturers had stated, was the fact or not. When the manufacturers did him the honour of a visit, they all uniformly and invariably stated, that Messrs. Sale and Pollard were in possession of a secret in giving a peculiar flavour to snuff, for the purchase of which they should think 20,000l., if they could conveniently spare the money, well laid out. Why, then, was the right honourable gentleman to doubt such a fact, especially when he could not disprove it? Mr. Fox remarked, that from the moment that he was told the weather made a variation in the article under manufacture, he pronounced it impossible to make an allowance for that, capable of meeting the case; and what sort of an act, he would ask the right honourable gentleman, was that to prevent smuggling, when a gentleman of a most unimpeachable character, (Mr. Eddowes,) fairly and boldly said, that by doing what he never should be ashamed of, he had incurred penalties to the amount of 1300l.

His honourable friend had said with much warmth, and much truth, with much justice and much reason—and what the right honourable gentleman had not answered at all—that those were bad laws which subjected innocent men to penalties, and that it should depend on the mildness and forbearance of his majesty's servants, that the harshness of those laws were meliorated and softened. If it were true that there had not been penalties exacted, and that those penalties had been incurred where the parties were perfectly innocent of any criminality, it must not be from the leniency of the laws, but of their execution, that the subject had escaped unmerited punishment; and thus the great maxim of our constitution was violated, that we ought to be governed by laws and not by men, not by the leniency of the officers of the crown, but by the acts of parliament on the statute book. If, therefore, the tobacco act was not repealed, he feared that this discovery would be made to the country, for which no man who loved the liberty of his country could possibly wish:—that where men are aggrieved, they must apply for redress only from the king's servants.

Mr. Fox justified that part of Mr. Sheridan's speech which treated of the excise laws in general, and contended that

whenever an excise bill came under discussion, he had a fair right to canvas the excise laws in general, without having it thrown in his teeth that he wished to overturn the revenue of the country. He reminded the committee, that they ought never to forget that the common law of the land was the rule, and the excise laws the exception. He held the example of putting the wine under the excise to be a bad example, declaring that, to his knowledge, it had been attended with much oppression, and was pregnant with infinite inconvenience: a private gentleman, if he wished to move his wine from one house to another, not having it in his power to send his servant to the excise office for a permit, but being obliged to go himself to the office, and make an affidavit, before he could obtain what he wanted.

Mr. Secretary Grenville strongly protested against the manner in which the question had been argued, as tending to raise a clamour against laws, upon which, as those gentlemen well knew, the whole national credit, and with it the very existence of the empire, depended. The members for the city of London and for Southwark spoke in favour of the motion: and Mr. Sheridan, after a long reply, having altered the question to a motion for leave to bring in a bill to repeal the tobacco act, the committee at length divided: Yeas 147: Noes 191. An act was afterwards passed to explain and amend the act of last year, and to relieve the manufacturers from certain hardships therein.

R.

BUDGET FOR THE YEAR 1790.

April 19.

THIS day Mr. Pitt opened the budget for the year 1790. He was replied to by Mr. Sheridan, who differed from the chancellor of the exchequer with respect to the actual receipt, and the actual expenditure. He contended, that there was not a single pound applicable to the reduction of the national debt, and declared that nothing would put the finances of the country into a proper state, but either raising the income to the expenditure, or lowering the expenditure to the income; at present there existed a plain deficiency of one million.

Mr. Fox observed, that although upon the present occasion his sentiments almost totally coincided with those of his honourable friend, and in some respects also with those of the

right honourable the chancellor of the exchequer, he must beg leave to mention points in which they certainly did not concur. Towards the latter part of the right honourable gentleman's speech, he seemed to be coming over a good deal to his honourable friend's argument, when he had complained that his honourable friend had compared a permanent income with a temporary expenditure. Was it unfair for a member of parliament, upon hearing a minister state a permanent income, to say, "I should like to know when we are to expect a reduction of the expenditure?" If that was not fair, he was at a loss to know what was the nature of their duty. Certainly, the right honourable gentleman had given them a statement of what had afforded him as much pleasure, as he was persuaded it had afforded the rest of the committee, when he mentioned the growing prosperity of our commerce, and the gradual rise of our revenue. He had no doubt but that the right honourable gentleman was founded in stating that the prosperity of our income might be looked upon as permanent. We had, therefore, the actual amount of our present annual receipt; but till we knew the actual state of our permanent peace-establishment and expenditure, we were not arrived at that happy period, when we could rest on fact and were no longer obliged to have recourse to conjecture. He should think it an unaccountable point of argument to say, on the mere view of the actual receipt on the one hand, and the temporary expenditure on the other, "now we are landed," and not to wish to have the permanent peace expenditure.

With regard to taking the average of the three and of the four years, he did not think that the right honourable gentleman had acted perfectly justifiably in leaving out the fourth year, unless he had likewise left out the next year, namely, the year 1787, because, if it were true that several commercial speculations were kept back in the year 1786, on account of the French treaty not being completed, it must be equally true that the income of the next year was proportionably increased by the consequent increase of the commerce of that year; he should therefore always think his honourable friend fair in taking the year 1786 into the average. He was, however, clear with the right honourable gentleman, that there was the best possible ground for believing that the prosperity of the country was likely to remain in a rational, increasing, arithmetical proportion, as long as the public tranquillity continued, and that it would not be the less so if other countries were at peace likewise. He attributed this, with the right honourable gentleman, to the constitution of the country, to the national character, and to the spirit of our commerce.

Mr. Fox took notice of what Mr. Pitt had said was due to that House for having firmly maintained its ground in meeting the exigencies of the state, and putting themselves, and what was still more important, their constituents, to considerable inconvenience. That credit, Mr. Fox observed, every man of every description in that House participated in; for whatever controversies and disputes had at different times taken place between political parties or factions, to the credit of that House, and to the credit of the country, no set of men had attempted to court popularity, by holding out to the public false hopes of lightening their burdens and withholding such additional taxes, as the nature and circumstances of the times had rendered indispensably necessary. He mentioned this, because many people seemed not to be aware that those with whom he acted had uniformly concurred with the other side of the House in looking our situation in the face, and manfully meeting the exigency of the moment, in order to retrieve the prosperity of the country. With regard to a lottery, in that House it could not be considered as a bargain concluded till it was voted; though he had no doubt that a lottery would be voted. But although he was aware that many gentlemen, on each side of the House, were strongly of opinion with his honourable friend, and he had great deference for his honourable friend's judgment, he could not help thinking that the cessation of a lottery would not cause the cessation of the different evils to which it was thought to give occasion. But when gentlemen counted the profits of a lottery as a part of the revenue which was growing, he could not concur with them; yet at the same time he was ready to confess, that for the last ten years he had been deceived, year after year in this particular, and if he were to enjoy the honour of a seat in that House ten years longer, he should still in all probability continue to be deceived; for he had not then, nor ever had, an idea, that persons could afford to give the public such an egregious profit, and nevertheless be able to derive a considerable profit from the lottery themselves. Most undoubtedly, the propensity to gambling in the public at large was to be deplored; but as long as it was evident that this spirit would be exercised to the same extent, whether there was a lottery or not, he thought it fair that the public should reap the advantage.

He declared that he was one of those who had always been sanguine on the subject of the income arising from the resources of the country; there was a spring and an exertion in freemen, which he who calculated ever so sanguinely could scarcely over-rate. In conclusion, Mr. Fox expressed an inclination to know what grounds there were for expecting such a

reduction in the establishments of the ensuing year, as would bring them closer to the reduction of the expenditure stated in the report of the committee of revenue in 1786.

Mr. Pitt allowed that much credit was to be given to all parties for wishing to meet the situation of the country fairly. He declared that he did not mean to insinuate any personal claim to peculiar merit; but he was sure that the candour and good sense of the honourable gentleman would see how easy it was for those to recommend who had only to recommend; and how widely different was the situation of that party to whom was committed the painful task of laying duties on the public, and of carrying the lessons of the other side of the House into execution, when, almost uniformly, the means which they had suggested for that purpose had been objected against, and opposed, as more likely to counteract the principles in which they were all agreed, than to bring about their accomplishment. He mentioned the treaty of commerce with France, the commutation tax, and various other measures, against which he complained that opposition had made a powerful stand, and protested that he rejoiced the more in being able to convince those who had differed from administration in these points and thought that they would not prove successful, that they had met with such eminent success.

Mr. Fox begged leave to observe that the right honourable gentleman, although he had at first handsomely allowed, that all parties were equally entitled to the merit, if any were due, of having co-operated in endeavouring, by firmness, to restore the resources of the country, yet could not close the subject without proving that the whole of his remarks concerning the difference between those who recommended, and those who, in pursuit of such recommendation, laid burdens on the people, were thrown away, and amounted to nothing more than a contradiction against his own argument. The right honourable gentleman well knew, that he had uniformly acted upon the principle which he stated; not merely while he was in a situation to recommend to others, but when he had been a minister himself, to propose measures, and he submitted to the right honourable gentleman how easy it had been for him, if he had chosen it, to have courted popularity, at the end of the war, to have taken up any of those opinions, at that time floating on the minds of the public, and to have said, "this is the hour to alleviate the burdens of the people; in peace, taxes ought to be taken off, there is no necessity for the public income equalling the expenditure. The funds may be taxed." (A doctrine, by the bye, which, though talked of without doors, no man in that House had dared to mention or recommend.) He would do the right honourable gentleman the justice to say,

that when he stood in a situation to recommend, he had no more resorted to the sort of conduct which he (Mr. Fox) had described, than those who had so long opposed him, on what they deemed good grounds. Many differences had not taken place on the subject of taxes, though in some few instances enumerated by his honourable friend in a late debate, those who acted with him had made an opposition. In obtaining a repeal of the shop-tax, he certainly had taken a considerable share, but he did not think he had done any mischief to the revenue in that instance. With respect to the French treaty being brought in, it was a little straining the subject, since certainly the French treaty was more a matter of commerce than of revenue; though some gentlemen had considered it merely as a matter of commerce, others merely as a matter of revenue, and others again in its twofold and complex nature, as a matter partly of commerce and partly of revenue. The commutation act might become the subject of future discussion, and therefore he should not enter into it, during the present debate; but he would defy the right honourable gentleman to prove that their conduct (for motives could not be proved) had ever warranted an imputation of their wishing to injure the revenue. For his part, he had often declared, and always should declare, that were any measure to be proposed, respecting the principle of which they were agreed, but nevertheless the means of carrying which into effect appeared to him to be impolitic and absurd, that he thought them so; at the same time stating what he considered as means more practicable and less objectionable. The right honourable gentleman had often thought him less sanguine than he was, in respect to the possible reduction of the expenditure, but the right honourable gentleman had never heard him express a doubt of the resources of the country. He had, indeed, wished the expenditure to be stated as high as possible, and the receipt as moderately; and he never considered himself to blame for this, because he thought it better to meet the worst, than without certainty to anticipate the best.

The King's Message respecting Vessels captured by Spain at Nootka Sound.

May 6.

On the 5th of May, Mr. Pitt delivered to the House of Commons the following message from his majesty:

"George Rex.

"His majesty has received information that two vessels belonging to his majesty's subjects, and navigated under the British flag,

and two others, of which the description is not sufficiently ascertained, have been captured at Nootka Sound, on the north western coast of America, by an officer commanding two Spanish ships of war; that the cargo of the British vessels have been seized, and their officers and crews have been sent as prisoners to a Spanish port.

"The capture of one of these vessels had before been notified by the ambassador of his Catholic majesty by order of his court, who at the same time desired that measures might be taken for preventing his majesty's subjects from frequenting those coasts, which were alleged to have been previously occupied and frequented by the subjects of Spain. Complaints were also made of the fisheries carried on by his majesty's subjects in the seas adjoining to the Spanish continent, as being contrary to the rights of the crown of Spain. In consequence of this line of communication, a demand was immediately made by his majesty's order, for adequate satisfaction, and for restitution of the vessels previous to any other discussion.

"By the answer from the court of Spain, it appears, that these vessels and their crews had been set at liberty by the viceroy of Mexico, but this is represented to have been done by him, on the supposition that nothing but the ignorance of the rights of Spain had encouraged the individuals of other nations to come to those coasts, for the purpose of making establishments for carrying on trade, and in conformity to his previous instructions requesting him to shew all possible regard to the British nation. No satisfaction is made or offered, and a direct claim is asserted by the court of Spain to the exclusive rights of sovereignty, navigation, and commerce, in the territories, and coasts, and seas in that part of the world.

"His majesty has now directed his minister at Madrid to make a fresh representation on this subject, and to claim such full and adequate satisfaction as the nature of the case evidently requires. And, under these circumstances, his majesty having also received information, that considerable armaments are carrying on in the ports of Spain, has judged it indispensably necessary to give orders for making such preparations as may put it in his majesty's power to act with vigour and effect, in support of the honour of his crown and the interests of his people. And his majesty recommends it to his faithful Commons, (on whose zeal and public spirit he has the most perfect reliance,) to enable him to take such measures, and to make such augmentation of his forces, as may be eventually necessary for this purpose.

"It is his majesty's earnest wish, that the justice of his majesty's demands may ensure, from the wisdom and equity of his Catholic majesty, the satisfaction which is so unquestionably due; and that this affair may be terminated in such a manner as to prevent any grounds of misunderstanding in future, and to continue and confirm that harmony and friendship which has so happily subsisted between the two courts, and which his majesty will always endeavour to maintain and improve, by all such means as are consistent with the dignity of his majesty's crown and the essential interests of his subjects. G. R.

On the 6th, the message having been again read, Mr. Pitt moved an address in the usual form, which being seconded by Mr. Secretary Grenville,

Mr. Fox rose and said, that no member within the House could be more sensible than he was of the disadvantage, at the same time that he could not resist the temptation of declaring that he heartily concurred with the motion, of rising to state some observations on the situation in which we now stood. No man felt more strongly the necessity of arming than he did. No man felt a warmer resentment at the unprovoked aggression of the court of Spain. He thought that there could not arise a doubt of the necessity of an immediate and a vigorous armament, and he conceived, with the right honourable the chancellor of the exchequer, that it was probable that this armament might produce its effect without proceeding to the extreme of war, and that the absurd claim of the court of Spain (which the right honourable gentleman had so forcibly described, that he would not weaken that description by attempting to add to it,) might be put an end to, but he wished that the message had told them more than it did. They ought to have known what the afterwards captured ships were doing, or intended to do; whether they were about to make an establishment, or whether Spain knew that we were about to make an establishment. It was a question with him, whether or not the event which had happened, and the facts stated, were not such as might have been foreseen or prevented. The House had now been given to understand, that the vessels were seized without any preliminary notice: had such notice, however, been given, it would have made no difference in his vote on that day, convinced as he was that there could not be a single man in that House, or in the country, but must see the necessity for a vigorous armament. This country certainly could have had no reason to have expected an act of hostility from any quarter a few days back, when, from every appearance, we were led to look for a long and an uninterrupted peace. That prospect, at least for the present, was gone; and in its stead there was much matter of serious concern; for however favourable a war at its commencement might appear, it was impossible to foretel its ultimate consequences. He had not in the whole course of his life been accustomed to speak with despondency of the resources of the country, but he did not think it fair in a matter of great and serious concern, to pass those resources over and take no notice of them at a moment when the occasion seemed necessarily to require that they should be mentioned. It was now scarcely a fortnight since

the minister of this country pointed out to the House the prosperity and flourishing state of the finances, and in no part of his speech did he seem more confident than in the assurances he gave the House of the prospect of the continuance of peace. On first hearing the message, it struck him as an instance of the uncertainty of human wisdom and the mutability of human affairs, when he observed a gentleman at the head of the administration of this country, and of great talents, one day pointing out the increasing resources and the great probability of a continuance of peace, and in a fortnight afterwards coming down to that House and telling them that they must prepare for war. Viewed in another manner, it gave rise to different suggestions. When the right honourable gentleman was vaunting of the resources of this country, he knew that Spain had, without a colour of pretence, seized British ships, made prisoners of their crews, and confiscated the property in the vessels. The right honourable gentleman knew these facts from the Spanish ambassador, who had communicated them in a deliberate and premeditated message on the part of his court. Where was the difference between matters now and matters three weeks since? There did exist, Mr. Fox said, a distinction, and he would state what it was, and wherein it consisted. Let them compare the two situations. Not three weeks since, they were told of the great probability of a continuance of peace, but now they were told, not indeed of the certainty of war, but of the probability of war. They now knew that the ships had been seized; they knew that before. They now knew that the officers had been sent to a Spanish port prisoners of war; they knew that distinctly before. He understood that the Spanish ambassador had not only stated the capture, but accompanied it with a complaint and a requisition, that his majesty would not suffer his subjects to trade on those coasts, and fish in the southern ocean. We now knew that Spain was carrying on great armaments; we knew that at the former period also. Every particular that he had stated, his majesty's ministers knew when they were exulting on the prospect of peace. That they should be obliged to go to war, he admitted might, and he hoped would, be otherwise. He hoped that when they had armed, Spain would in some measure retract; but what did they now know, which they did not know a fortnight since, in consequence of a premeditated message by authority from the Spanish ambassador's court? He hoped that the court of Spain would retract, from principles of justice and prudence, because they had made their claim without justice, and advanced it without prudence. He was one of those who, at the moment of the minister's exulta-

tion, had for months known the increase of the Spanish armament. The right honourable gentleman had better opportunities of knowing what the extent of the armament was than he could pretend to; and when Spain was arming, it was not very reasonable to think that we should be long at peace. He owned he did not see the necessity for the minister to go out of his way in opening the state of the finances, to introduce assurances of continuance of peace: it must take away from that security and happiness into which the public were lulled, when they were informed, from the throne, that those assurances were groundless. When the lottery was talked of in a late debate, he recollected that an honourable friend of his (Mr. Sheridan) complained that the minister was an auctioneer; he complained that at the moment in question the minister was acting the part of an auctioneer throughout, by puffing and praising the prospect of peace, when there was in reality a great probability of a speedy war. He always thought it injudicious that this country, in making the last peace, had stipulated with one branch of the house of Bourbon, France, that the two countries should respectively reduce their marine to a certain point, and not stipulate in like manner with Spain; because it was obvious, that all the danger to be dreaded might still fall upon us, it being competent to the other branch of the house of Bourbon to arm to whatever extent she thought proper. And he would ask his majesty's ministers, whether Spain had not continued in an armed state, and been increasing her armament, ever since that period? When the peace was negociating, he had heard that the Empress of Russia solicited to have the same favour shewn to her which had been shewn to France, with regard to letting the French flag give protection to property not belonging to France, so long as we were not at war with France. It was answered to Russia, that it could not be done. When it was asked, "Why will you not unite with a power you call your friend, when you unite with your natural enemy?" The answer was, "It was for that very reason. We think France most likely to take part against us whenever we are engaged in a war, but we consider you as more likely to remain a neutral power." Mr. Fox reasoned upon this point, and at length came to consider the claim of the court of Spain, declaring that this court had often set up claims equally unjust and unreasonable. He conceived the exploded claim of the Pope's demarkation to be wholly set aside, and that the discovery of any place, and making it the possession of this or that king by setting up a cross, or any other token of having been there, was equally exploded. In fact, occupancy and possession should be considered as the only right and title. He

remembered, that in the late convention with Spain, there had been much negociation about the Musquito Shore, the claim to which on the part of the court of Madrid he considered as one of those rights which he had stated as exploded; and he declared that he never had understood the policy of our giving up that point without some compensation, unless it had led to an ultimate adjustment of the rights of Spain in all similar respects. So far from this being the case, it led only to encourage those claims in Spain which he considered as contemptible. Mr Fox read that part of the message and address which referred to explaining the grounds of misunderstanding, and observed that the passage gave him particular pleasure, because there obviously might be two pacific ends to the measure. There might be an adequate satisfaction made without arrangements to prevent such evils in future, whereas he was clearly of opinion that the point was not the mere capture of the ships, but the great and important point of the definition of the claims of the court of Spain in respect to America and the southern ocean. He therefore hoped that we should not rest contented merely with a satisfaction for the injury, but obtain a renunciation of the claim set up with so little ground of reason; that he conceived to be the intent and meaning of his majesty's message; and on that idea he heartily gave his vote for the address. As to the other topic, the disappointment of this country as to its situation, he hoped that it would prove a lesson to his majesty's ministers for the future, not to be too sanguine in their expectations of the permanency of peace, when they were, in fact, on the eve of a war. The extravagance of the hopes held out by ministers added to the disappointment, the alarm, and the fears of the public, when they suddenly found those hopes falsified. Had not such fallacious hopes been excited, he trusted that his majesty's message would not have had the effect on the public funds, and the minds of men, which it had produced.

The address was agreed to *nem. con.*

COMPLAINT AGAINST MAJOR SCOTT FOR A LIBEL ON THE MANAGERS OF THE IMPEACHMENT AGAINST MR. HASTINGS.

May 21.

THIS day complaint was made to the House by General Burgoyne of a libellous publication inserted in one of the morning papers with the signature of John Scott, a member of the

House of Commons, grossly reflecting upon the conduct of the managers of the impeachment of Mr. Hastings, and upon the justice of that House. The letter was then read by the clerk, and Major Scott being called to answer this complaint, avowed himself to be the author of the letter in question; and at the same time declared, that no man living had a higher respect for the rules of the House than he had; and if he had broken them, he had done so unintentionally, and was sorry for it. The honourable major then entered into a general justification of his letter, and declared, that if he had been guilty of an error, in his conduct, he had been drawn into it by great examples. He then entered into a variety of publications by Mr. Burke, Mr. Sheridan, and General Burgoyne, which he considered to be by far stronger libels than he had ever written. Major Scott, according to the practice of the House, having given in his defence, immediately withdrew. General Burgoyne then moved, "That it is against the law and usage of parliament, and a high breach of the privilege of this House, to write or publish, or cause to be written or published, any scandalous or libellous reflection on the honour and justice of this House, in any of the impeachments or prosecutions in which it is engaged." Which being voted without a division, he next moved, "That it appears to this House, that the letter now delivered in and read is a scandalous and libellous paper, reflecting on the honour and justice of this House, and on the conduct of the managers appointed to conduct the impeachment now proceeding against Warren Hastings, Esq." Mr. Pitt submitted, that in a matter relative to their own privileges, and especially as a great laxity of practice had, of late years, obtained with respect to publications upon the proceedings of parliament, the House ought to proceed with all possible caution. He then moved, that the debate be adjourned to Thursday the 27th of May.

Mr. Fox said, that the right honourable gentleman had talked of the lax practice which had obtained in respect to libels on the House and its proceedings, as if they were about to depart from any established rule of that House. He was not aware that the rule had ever been departed from; he knew it had not been universally enforced, but whenever complaint had been made of a libel on the House, or any of its members, the rule had, he believed, been uniformly and regularly carried into execution. On the present occasion, he hoped the motion would meet with a full discussion, and in a full House; because if ever there was a case particularly entitled to the consideration of the House, it was the case of an impeachment, and a trial upon it, the managers of which had the strongest claims on the House for their protection and support against all libels and libellers, and such, he trusted, they would experience upon the ensuing Thursday.

The question of adjournment was then put and carried.

May 27.

The debate being resumed, and Major Scott being again heard in his place, the motion was first opposed by Mr. Wigley, who thought that the House, in its justice, ought not to proceed in a severe manner against the honourable member; who, he said, had already made the most satisfactory and sufficient apology for what he stood accused of. He then made a number of observations on several pamphlets written by gentlemen on the side of opposition; and thought that the House, as well as the honourable member accused, had a right to enquire into the nature of those pamphlets, and to proceed upon them in the same manner as the House was now doing in the present case. After the motion had been supported by Mr. Burke and Mr. Pitt,

Mr. Fox expressed his astonishment that any person could entertain the smallest doubt that a libel like that complained of, being directly levelled at the managers acting under the orders of the House in the prosecution of an impeachment authorized and instituted by the House itself, was not a libel in defiance of the honour and justice of that House, and the most proper of all others to take up. A libel on the House itself was not of nearly the same dangerous consequence, because the House was armed with sufficient powers to protect itself; but a libel on the managers might be considered as a libel on individuals, who were, comparatively speaking, helpless, and not having the power to protect themselves, must necessarily look to the House for protection. He reprobated the argument of Mr. Wigley, that the House ought to take notice of or prosecute every individual breach of its privileges, or not prosecute them at all. In either case, the House would act most unwisely; it was by a prudent exercise of their discretion, and by distinguishing the nature of one breach of privilege from another, that they would best preserve their privileges. Were they to prosecute in all cases of breach of privilege indiscriminately, their whole time would be spent in criminal proceedings, and the House would become a nuisance to the country, instead of a security to its liberties. If, on the other hand, they were to fall into the other extreme, and prosecute in no instance, the House would incur the public contempt, and become altogether useless. It was, therefore, a poor extenuation of any stated offence, to say that the House had neglected to take notice of other libels on the managers, and therefore it ought to be peculiarly mild in the mode of punishing the author of the libel now complained

of. Was its merciful remissness in some cases any reason why it ought not to proceed with severity in cases of breach of privilege the most flagrant and outrageous? Was it an argument which would be borne in a court of justice, if, on a prosecution for a libel against him, it was to be said that Mr. Fox had borne a torrent of libels for fourteen years together with patience, and therefore enticed the libeller, as it were, to publish one more? On the contrary, would it not be considered, that his forbearance so long had heaped upon his libeller a debt of gratitude, which aggravated his crime, if after so long a forbearance on the part of Mr. Fox, he at last thought proper to prosecute. For his part, it had been his lot, and that of his right honourable friend, (Mr. Burke,) to have been libelled grossly for the greater space of their political lives; but they neither of them had thought it right, from prudent motives, to take any notice, except in a single instance or two, of the libellers, and feeling that their prosecuting might be attended with rather worse general consequences than the libels did them harm, they had treated the libels and their authors with scorn and contempt; but the case was widely different between a libel on individuals in their private capacity, and individuals sanctioned by the authority of that House, and acting as managers of an impeachment instituted by that House. Neither was the fact true, as the honourable gentleman who spoke first in the debate, and the right honourable the chancellor of the exchequer had supposed, that the House had relaxed in supporting its privileges, by not taking proper notice of such breaches of its privileges as had appeared to deserve their notice. As often as a complaint had been made, the House had grounded a proceeding upon that complaint. On the subject of the present impeachment only, the paper now complained of was not the first, the second, nor the third libel, which the House had taken notice of, but the fourth that had been stated to it. The Morning Herald had been ordered to be prosecuted by the House for a libel. Another paper had been ordered to be prosecuted, and Mr. Stockdale had likewise been ordered to be prosecuted; it was true, that Mr. Stockdale had been acquitted; but that did not alter the present argument: and the printer of the World had been prosecuted likewise by order of the House, and convicted recently, within this day or two. It was not true, therefore, that this House had abandoned the defence of its privileges, by neglecting to punish breaches of them. With regard to the degree of criminality between Mr. Stockdale, or the printer of a newspaper, and Major Scott, there was no comparison. A bookseller and newspaper printer could be supposed to have no personal view in the libel they published, and could only act upon

public principles in the way of their profession and trade; but Major Scott had no excuse of that kind; being a member of parliament, he had an opportunity of making any complaint against the managers which he thought that their conduct deserved; he might have done so fairly and openly, and had no occasion to libel the managers from one end of the kingdom to the other. If ever a libeller had justly called down the heavy vengeance of the House, it was Major Scott; who, from the commencement of the proceedings on the impeachment, had systematically traduced and vilified the managers. As an argument of mitigation had been grounded on the managers having, for two years together, suffered themselves to be libelled day after day with impunity, it was fortunate that they had at length taken up the matter; for, had they suffered it to go on for two years longer, that might have been held to constitute a justification of any libel against them whatever. Was it not enough for their libellers that they might drag forth every transaction of their private lives, that they might enter their dwellings, expose the weaknesses that men might naturally be imagined desirous of concealing, and, in short, trace out every single circumstance of their conduct to ground a charge of traduction upon: but they must attack them when acting in the capacity of managers of an important criminal prosecution, endeavouring to bring a great delinquent to justice, and while they were employed by the authority of that House in a great judicial proceeding, upon the event of which the future happiness of millions depended, and possibly the existence of the constitution: seeing that it was intimately connected with that House enjoying the free exercise of its inquisitorial powers, which, he contended, were struck at by the libel in question? Mr. Fox said he was glad to find that he was likely to have the vote of the right honourable the chancellor of the exchequer on the present question. He agreed with the right honourable gentleman in the greatest part of his argument, but could not help differing altogether, as to the latter part of his speech, with regard to the propriety of a gentle censure. So convinced was he that the contrary ought to be the case, that invidious as it might appear, he should vote for the severer mode of proceeding.

The question was put and carried without a division. It was next moved and agreed to, "That John Scott, Esq. a member of this House, being by his own acknowledgment the author of the said letter, is guilty of a violation of his duty as a member of this House, and of a high breach of the privilege of this House." General Burgoyne then moved, "That the said John Scott, Esq. be, for his said offence, reprimanded at the bar of this House, by Mr. Speaker." Mr. Pitt moved, by way of amendment, to leave out the words

" at the bar of the House," and insert the words " in his place." This amendment having been stated from the chair, and the question put, that the words " at the bar of the House" stand part of the question, Mr. Windham remarked, with regard to the liberty of the press, that there was an evident distinction between its use and its abuse, and that the very best way to preserve its liberty was to punish its licentiousness. This had been agreed on by all who had ever reasoned upon the subject; and surely a better mode of defining this distinction could not be adopted than by drawing the line between the free discussion of general political and parliamentary topics, and the discussion of judicial proceedings. In respect to the latter, it had ever been considered, that *pendente lite* the subject should be confined to the court in which it was trying, and on no account be made a matter of discussion without doors. And the reason was obvious; in a judicial proceeding the judges and the court could not advert to extraneous matter; they must be governed by the strictness of evidence, and confined to that alone; whereas in regard to general political topics, much was at all times to be learnt from discussion without doors, and therefore the free discussion of such topics among the public at large was highly useful. Having observed that manifest, indeed, was the distinction between the unfettered discussion of political topics, and the great necessity of holding judicial proceedings sacred, Mr. Windham added, that he was actuated by no motive of vindictive feelings or personal resentment. It could not be worth a moment's consideration to him as a member of the committee of managers, nor indeed to any other member, whether the avowed author of the letter complained of was reprimanded at the bar or in his place; but the natural conclusion would be, that those who were for the milder censure, if they had dared to face the shame that such a proceding would have drawn down on them, would have resisted any punishment of the author of the libel on the House and the managers; but that the force of the proceeding, when once stated to the House, had compelled them to suffer some censure to be passed on the author, and that nevertheless they were determined to skreen him from justice as much as possible. This was clearly their motive, or they never would stand between him and the mild measure which had been proposed; for such, in his opinion it was, since the magnitude of the offence would, in his mind, have fully justified expulsion, and expulsion for such a crime would have been the punishment adopted by their ancestors, had the offence been committed in their days. Mr. Windham farther remarked on the enormity of the libel, and the aggravation of the offence in consequence of the author being a member of that House. Major Scott, it had been said, was entitled to be considered as the friend of Mr. Hastings, and not as his agent; this the House had yet to learn: but if it was so, he had still acted unwarrantably, because a friend might warmly defend the cause of him for whom he professed a friendship; but he was not entitled to abandon his defence, and become an accuser and an assailant of his prosecutors.—Mr. Pitt replied to Mr. Windham, and expressed his sur-

prise at the sort of temper with which the honourable gentleman had delivered his sentiments on an occasion which, above all others, seemed to call for moderation and coolness. Mr. Windham answered, that the right honourable gentleman had observed upon his speech with some degree of triumph; but the triumph he could easily bear, since it was a triumph over the right honourable gentleman's misrepresentation of what he had said, and not over his argument, such as it really was. He could not be positive as to his words, but he could to his meaning; and sure he was, that he had never meant to observe, that the honourable gentleman had trespassed on the forbearance of the managers, and then made an argument of excuse of himself, for an additional libel out of that forbearance; although if he had said so, he conceived that he should not have argued absurdly.

Mr. Fox declared, that his honourable friend (Mr. Windham) though he had strictly confined himself to explanation, had contrived to give a complete refutation of the arguments of the right honourable the chancellor of the exchequer, who had complained of his honourable friend's want of temper, although he had perceived nothing like an indication of passion, or any sort of departure from that characteristic temper which peculiarly distinguished his honourable friend—the being able to argue with more sedateness, and in a cooler and closer manner, than perhaps any other gentleman in that House. Probably the right honourable gentleman had felt sore from not having been able to find an answer to what had fallen with so much ability from his honourable friend. Be that as it might, the right honourable gentleman certainly had not been able to refute any one of his honourable friend's positions, and as the right honourable gentleman could not meet his honourable friend's distinction between the use of free discussion in cases of a general political nature and the necessary sacredness of every thing relative to judicial proceedings, which his honourable friend had so clearly laid down, and which had obviously made so strong an impression on the House, the right honourable gentleman had endeavoured to elude it, by a general disquisition on the proper rule in regard to the conduct to be preserved respecting a trial on a criminal prosecution. The calling Major Scott the friend of Mr. Hastings was a prostitution of the name of friendship for the sake of serving a temporary purpose. No man valued the virtue of friendship more than he did, and possibly an agent might feel a friendship for his employer, but the friendship alleged in mitigation of a libel made the libel worse; for could it be an excuse to him, that an agent came to the House and said, in mitigation, that he had a friendship for

his employer? With respect to the motion, he declared, that if the amendment had been "that Major Scott be committed," and they on his side had been called upon to shew a precedent of a case of equal enormity, in which a member had not been committed, he believed it would have scarcely been possible for them to have found one. As to being reprimanded at the bar, there was a famous precedent in the year 1660, when Mr. Lenthall had been reprimanded at the bar, for holding a political opinion, which Mr. Fox said he had ever considered as false and diabolical, "that those who had first taken up arms against Charles the First, were as blameable as those who had been immediately concerned in his death." That opinion Mr. Lenthall had broached on his legs in the House, where the freedom of debate and its being the duty of every member to state his opinion on any subject under discussion, one should have imagined, might have sanctioned the delivery of it, and yet Mr. Lenthall was severely reprimanded at the bar of their House *. How much more, then, ought Major Scott to be reprimanded at the bar, for one of the most deliberate, indecent, and atrocious libels on the House, and the managers, and this inserted in a common newspaper, that ever was published? There were but three species of punishment in cases of breach of privilege within the option of the House, reprimand, commitment, and expulsion. Of the first, which was the most mild and lenient, there were two sorts, the reprimand of a member at the bar, and the reprimand of a member in his place. Was it not fair to argue that, if the mildest of the two were insisted on in a flagrant and atrocious case, those who pressed for it would have prevented any punishment, if they decently could have done so, and that they were desirous of standing between the criminal and justice? Mr. Fox agreed with his honourable friend that the offence merited expulsion.

The motion as amended was agreed to, and on the following day Major Scott attended in his place, and was reprimanded by the Speaker.

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* See New Parliamentary History, Vol. 4. p. 42.

Address on the King's Speech at the Opening of the Session.

November 26.

THE new parliament assembled on the 25th of November, and proceeded to the choice of a Speaker. Mr. Addington, the Speaker of the late House of Commons, was nominated by the master of the rolls, and took the chair with the unanimous approbation of the House. On the 26th the session was opened by his majesty, with the following speech to both Houses:

"My lords and gentlemen; it is a great satisfaction to me to inform you, that the differences which had arisen between me and the court of Spain, have happily been brought to an amicable termination. — I have ordered copies of the declarations exchanged between my ambassador and the minister of the catholic king, and of the convention which has since been concluded, to be laid before you. — The objects which I have proposed to myself in the whole of this transaction, have been to obtain a suitable reparation for the act of violence committed at Nootka, and to remove the grounds of similar disputes in future; as well as to secure to my subjects the exercise of their navigation, commerce, and fisheries in those parts of the world which were the subject of discussion. — The zeal and public spirit manifested by all ranks of my subjects, and the disposition and conduct of my allies, had left me no room to doubt of the most vigorous and effectual support; but no event could have afforded me so much satisfaction, as the attainment of the objects which I had in view, without any actual interruption of the blessings of peace. — Since the last session of parliament, a foundation has been laid for a pacification between Austria and the Porte, and I am now employing my mediation, in conjunction with my allies, for the purpose of negociating a definitive treaty between those powers, and of endeavouring to put an end to the dissentions in the Netherlands, in whose situation I am necessarily concerned, from considerations of national interest, as well as from the engagements of treaties. — A separate peace has taken place between Russia and Sweden, but the war between the former of those powers and the Porte still continues. The principles on which I have hitherto acted, will make me always desirous of employing the weight and influence of this country in contributing to the restoration of general tranquillity.

"Gentlemen of the House of Commons; I have ordered the accounts of the expences of the late armaments, and the estimates for the ensuing year, to be laid before you. — Painful as it is to me, at all times, to see any increase of the public burdens, I am persuaded you will agree with me in thinking that the extent of our preparations was dictated by a due regard to the existing circumstances, and that you will reflect with pleasure on so striking a proof of the advantages derived from the liberal supplies granted

since the last peace for the naval service. I rely on your zeal and public spirit to make due provision for defraying the charges incurred by this armament, and for supporting the several branches of the public service on such a footing as the general situation of affairs may appear to require. You will at the same time, I am persuaded, shew your determination invariably to persevere in that system which has so effectually confirmed and maintained the public credit of the nation.

"My lords and gentlemen; you will have observed with concern the interruption which has taken place in the tranquillity of our Indian possessions, in consequence of the unprovoked attack on an ally of the British nation. The respectable state, however, of the forces under the direction of the government there, and the confidence in the British name, which the system prescribed by parliament has established among the native powers in India, afford the most favourable prospect of bringing the contest to a speedy and successful conclusion.—I think it necessary particularly to call your attention to the state of the province of Quebec, and to recommend it to you to consider of such regulations for its government, as the present circumstances and condition of the province may appear to require.—I am satisfied that I shall, on every occasion, receive the fullest proofs of your zealous and affectionate attachment, which cannot but afford me peculiar satisfaction, after so recent an opportunity of collecting the immediate sense of my people.—You may be assured that I desire nothing so much on my part, as to cultivate an entire harmony and confidence between me and my parliament, for the purpose of preserving and transmitting to posterity the invaluable blessings of our free and excellent constitution, and of concurring with you in every measure which can maintain the advantages of our present situation, and promote and augment the prosperity and happiness of my faithful subjects."

A motion for an address of thanks having been made by Mr. Mainwaring, and seconded by Mr. Carew,

Mr. Fox begged leave to remind the House, that although on hearing the address read, there did not seem to him to be any thing in it that would induce him to do so ungracious a thing as to oppose it on the first day of the session, and break through that unanimity which the mover and seconder had said were so desirable on the present occasion, yet there were different ways of stating the grounds on which any honourable gentleman might be ready to support the motion. The honourable member who had proposed the address, began with saying, that he would not have stood up to move it, had he not been convinced of the important advantages that would in all probability result from the late convention with Spain. Mr. Fox desired to disclaim any such motive, declaring that he should vote for the address from no such conviction whatever; nay, farther, if he were convinced the

convention was in the highest degree blameable, and so faulty and disgraceful in all its parts, that it would be shameful to lend it any sort of countenance, he would not vote against the address on that account, because the address had carefully avoided any mention of it, and the proper information, by which alone the judgment of the House, and of individual members, could be guided, was not before them, and it was impossible for them to try it by its true criterion, — its own relative merit. In another part of his speech, the honourable gentleman had, with great propriety, said, that he did not consider the convention as a fit matter to go into that day, as the papers promised were not before the House. The honourable gentleman who seconded the address, went much farther into the topic, and in a greater degree rested his argument on the idea, that by the convention the causes of similar disputes in future were effectually removed. But, for his part, he must acknowledge, that before he could bring his mind to that length, he must have better grounds for decision. He must have the convention read to him, and many necessary explanations given. The honourable gentleman sat out with laying down an opinion that he hoped every liberal man would adopt, and which no man entertained more heartily than he did, namely, that war ought not to be undertaken, whenever it could be avoided with honour, nor merely to increase dominion. Mr. Fox declared, that peace was undoubtedly preferable to war, under almost any circumstances, and most especially was it desirable for this country at present; nay, more, had this country not been an island, but a part of a continent, he should be of opinion that it would be highly impolitic and unwarrantable to make war, with a view to increase dominion. In another part of his speech, in which the honourable gentleman had taken notice of the different transactions in different parts of Europe, the honourable gentleman, Mr. Fox remarked, had stated the condition of the Netherlands, and had said, that it was policy for this country to promote the return of the Netherlands to the dominions of Austria, to prevent their falling into the hands of a neighbouring power more inimical to Great Britain. France, he had no doubt, was the power alluded to. If so, how came it that France was all of a sudden a greater object of terror than formerly? He had looked into the speech from the throne on the opening of the last session, and he could find no mention of the Netherlands at that time. The introduction of the allusion to the Netherlands had made much noise out of doors, and it had been conceived that some new treaties of a special nature had been entered into recently. All he could say was, that were the

fact so, that House was ignorant of them; for not a word upon the subject of any such treaties had been laid before the House. That passage of his majesty's speech, however, had been much misinterpreted, and by the word "treaties," nothing but the treaty of Utrecht, and indeed almost all antecedent and subsequent treaties by which this country became the guarantee to Austria for the Netherlands, were, in his opinion, the treaties alluded to. But when Great Britain so became the guarantee, it must be admitted that she became the guarantee to the Netherlands that they should be governed under, and enjoy all the rights and privileges of, their ancient constitution. Certainly, if the obligation to interfere with the Netherlands subsisted now, it had subsisted in equal force last year.

Mr. Fox said, he did not then wish to discuss the state of France; but whatever might be the difference of opinions on that head, all must agree that we had no danger to dread from France at present more than formerly, but rather much less, on a great variety of accounts; possibly, the language of this part of the speech might be nothing more, than its having been the desire of his majesty, from the natural goodness of his heart, to render his mediation successful in restoring general tranquillity, and therefore he had chosen to express, with emphasis, his wishes for universal peace. The honourable gentleman, among his remarks on the different affairs of Europe, had taken occasion to compliment ministers on the peace concluded between Sweden and Russia. Before it was ascertained whether ministers were in any degree entitled to compliment on that subject, we should endeavour to trace how the fact actually stood; certainly, we might so far be said to have negociated with regard to that peace, as to have taken some part in endeavouring to effect the peace between the Porte and Austria, and the peace between Russia and Sweden had suddenly taken place afterwards; but if the manner in which that peace had been conducted and settled was considered, perhaps it would not be thought a very good ground of compliment to ministers. By referring to the speech, it would not be found, that the separate peace between Russia and Sweden was stated to have been produced directly by his majesty's mediation, or by the wisdom of his ministers, who, if it had depended on them, would, in all probability, have acted very differently. If, however, the separate peace that had taken place between those powers, should eventually tend to the acceleration of the general peace of Europe, he should consider it as a fortunate circumstance: if, on the contrary, it should, like most separate treaties of

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peace, operate to the protraction of the war, he should then consider it as an unfortunate event.

With regard to the affairs of Europe in general, a new order of things had lately presented itself, and the interests of different powers had taken so different a turn, as well as the weight and influence of this country, relatively considered, that it was the undoubted duty of his majesty's ministers to avail themselves of the circumstance; since, if ever there was a period when this country might pick and chuse her allies, this was that period. They had nothing to do but to ascertain what number of foreign allies it was absolutely necessary for this country to have, and having, upon mature consideration, made up their minds upon that point, they would then only have to consider on what conditions it would be the best policy for this country to enter into treaties, and having determined the second point, they ought to proceed immediately to form such alliances as to their judgment should appear advisable.

In that part of the speech which related to India, Mr. Fox observed, it was said, "that the confidence in the British name, which the system prescribed by parliament had established among the native powers, afford the most favourable prospect, &c." If by this was meant the general policy laid down and inculcated by the various acts of parliament respecting India, passed within these few years, which he had always considered as their best part, and which he had highly approved, namely, that we were on no account to carry on war against any of the native princes with a view to conquest, or the extension of territory, it was exceedingly proper. He had approved and applauded that policy, since it made the fundamental part of the bill which he had the honour to introduce, and which that House had passed in a former parliament. All he would say was, that most undoubtedly we must defend our allies when attacked. It was not only a principle of policy, but a principle of justice, and what no man of common sense would think of arguing against; but to extend the principle so far as to make a rupture between two native princes a pretence for our carrying on a war in India, with a view to extirpate and destroy any particular prince or nation for the sake of the acquisition of his dominions for the East India company, would be to set up the letter of the acts of parliament against their spirit and their principle. Merely to send out general instructions to our governors in India to avoid offensive war, was not a sufficient enforcement of the principle of the acts of parliament relative to the government there established; much depended on the wise and prudent choice of governors, and a variety of

other circumstances necessarily connected with that important particular.

Mr. Fox at length brought his speech to a conclusion, by expressing a wish, that his having stated his opinions freely might not interrupt the harmony of the day, or prevent an unanimous vote. He declared for one, though he disdained avowing any approbation of the convention at that time, that he heartily agreed to the address. How far the means were wise, or the terms of the convention calculated to answer the intended purpose, would lie open to subsequent discussion; possibly, a future day would be named for taking it into consideration, or possibly, it might be laid on the table, and there suffered to remain without farther notice, as there might be those who would be better pleased with hearing terms of general praise on ministers upon the first day of the session, when neither the subject nor the means of understanding it were before the House, than to go into a discussion of its merit when the House should be enabled to try it by the proper test.

The address was agreed to *nem. con.*

MR. GREY'S MOTION FOR PAPERS RELATIVE TO THE CONVENTION WITH SPAIN.

December 13.

ON the 3d of December copies of the declaration and counter-declaration exchanged at Madrid, July 24. and of the convention with Spain, signed the 28th of October, 1790; together with the expences of the late armament, &c. were laid before the House; and on the 13th Mr. Grey moved for "Copies of all claims and representations made by the court of Spain, relative to any settlement that has been made on the north western coast of America, and to the fisheries carried on by British subjects in the South Seas, together with the answers that have been given to such claims and representations, with the respective dates thereto." Mr. Grey insisted that a vote of approbation of the convention would be premature, unless these papers were laid upon the table. Without them, it would be impossible to know whether the late disputes had been owing to the restless ambition and unjust claims of Spain, or to the rashness, presumption, or ignorance of his majesty's ministers. Without the necessary papers, it was difficult to decide whether we might not have gained all the boasted advantages which its advocates imputed to the convention, at a

much less expence than what had been incurred. He was conscious that no one reasonable objection could be offered against the motion, and that the journals sufficiently testified that such motions were scarcely ever refused. In the case of Falkland's Island, and even in the case of the convention of 1739, all the papers demanded were laid before the House, and a body of evidence produced, before they were called upon to pass a judgment upon either treaty. The House ought, in the present case, not only to see the treaty itself, but every part of the negociation, as every measure took its colour from the means used to effect it.—The motion, which was seconded by Mr. Pelham, was principally opposed by Mr. Wilberforce, who insisted, that the true dignity of the House would be best maintained by resisting effectually the present, and every motion, made under the like circumstances. He contended, that parliamentary inquiry ought not to be set on foot without strong grounds of suspicion, or manifest blame; and that an inquiry ought to be considered of too much importance to be applied for on grounds of simple curiosity. He asked gentlemen, whether they must not be convinced, that should the motion be agreed to, the quantity of papers that would be necessarily produced, from a long negociation, might afford foundation for some censure? He should be the last man in the House to give up the right of inquiry; but he would reserve it for important occasions, and not agree to its exercise on every petty summons. He contended, that the negociation relative to Falkland's Island was materially different from the late negociation with Spain; in the affair of Falkland's Island there was a reservation of right; in the present, no such reservation was maintained. Party at that time ran high: he well remembered that impeachments were threatened, and blood, blocks, and gibbets were mentioned. Ministers had, in the late negociation, avoided the evils of war; they had made an amicable settlement between the two countries, and opened a way for advantageous treaties. For his own part, he could truly declare, that he and his constituents felt thankful to the minister for his conduct; and the present House of Commons would act honourably to themselves, and advantageously to the country, should they adopt the conduct of the former parliament, in giving to administration that confidence which they highly merited from their past conduct. All the power and authority of that House centered in the opinion of the people, and that would soon be lost, if upon such occasions they granted the exercise of the right of inquiry. He conceived that the approbation of the convention given by the city of London was much more to be attended to than the idle gratification of a few individuals.

Mr. Fox observed that, on the present occasion, he might have felt himself induced silently to vote in favour of the motion, but the question had been so ably argued on the one side, and so weakly opposed on the other, by a friend of the minister, who had libelled every principle of the constitution, as well as struck at the root of the first and most essential right

and privilege of that House, that, odd as it might seem in him to make such a declaration, he wished that the other side, if they meant to reject the motion, had not given a single argument against it, but would have rejected it upon silent confidence, because, if they rejected it, after what had passed in debate, their negative must rest on the reasoning of the honourable gentleman alone, who had opposed it upon such extraordinary and unconstitutional grounds. Better would it be to recur to the ancient despotism of the kingdom, in the most arbitrary times, and consider themselves as met there to vote away the money of their constituents, without inquiry! If they voted their money thus, they betrayed them, by not seeing how every shilling of that money was employed, and judging for themselves whether or not those entrusted with its application had applied it wisely, prudently, and economically. They were not such children in politics, as to need to be told that the merit of every convention and peace must be comparative, and could only be ascertained by a reference to the circumstances under which it had been made, and the advantage that ministers had taken of those circumstances. And how could that be known, when all the papers likely to throw a light upon the subject were obstinately withheld? On the face of the convention, it was said to be good: now, he declared, that on the face of it, it was evil, because much money had been expended to obtain it; and he would ask those who saw perspicuity and dignity in the convention, whether it was clear, that if we could be put, *bonâ fide*, in the state we were in before the convention was obtained, they could say it was not purchased too dearly? At any rate, such an assertion could not be credited, till they were, by the aid of the papers asked for by the motion, enabled to judge whether the same thing might not have been had at an earlier time, and at less expence to the country. He insisted that the doctrine of the honourable gentleman who had opposed the motion was not merely inconsistent with the principles of our constitution, but diametrically opposite to those principles. With regard to confidence, every government of every description had necessarily and unavoidably placed more confidence in ministers than was safe; and the only security which we had under our constitution, was, that after the effects were produced for which confidence had been given, by parliament exercising its inquisitorial functions, no minister could escape detection, if he had abused the confidence reposed in him. If, however, the honourable gentleman's doctrine were to prevail, and that House were not to enquire in cases of foreign negociation or treaty unless the transaction had, upon the face of it, something bad, or which challenged suspicion, how was it pos-

sible for them to exercise their functions with advantage to their constituents, or to detect the abuse of ministers, if abuse of public confidence had been practised, since, as his honourable friend had well observed, he must be a bad minister, indeed, who in such a case could not gloss over his conduct, and make his friends say, that, upon the face of a treaty, it bore proofs that it was a good treaty for this country, and that to attempt to enquire into it would be to interfere with the most essential prerogative of the crown. If they had stood on the privileges of that House, as the trustees of the public purse, with as much firmness as the gentlemen on the other side had that day stood on the prerogative of the crown, they could not have voted what they did last year, but there would have been on one side a dry maintenance of privilege, and a stiff adherence to prerogative on the other, to the serious inconvenience of the public, and to the extreme injury of their interests. When they gave confidence, they ought to receive information in return, and the time was now arrived when information might be given without danger. In order to illustrate the impossibility of their joining in a vote in favour of the convention, as it lay upon the table unexplained, Mr. Fox declared that he would state an hypothesis exactly different from his real opinion, and suppose Spain to have granted terms highly advantageous to this country; how could he know whether they were so or not, before he examined the convention, and the grounds upon which it had been settled? How could he give praise to ministers before he knew whether the convention was good or not? It could not be said to be good, unless we had attained something and lost nothing; unless we had procured something for nothing, it must remain a matter of great doubt whether it was good or bad. How could he tell whether Spain was not inclined to disarm much earlier than we had consented to do? And report said, that Spain had long since signified her inclination to disarm, provided this country would do the same. An honourable gentleman had expressed a hope that the minister would not suffer his "vanity "to be piqued." He would not talk of any man's vanity; but if the minister, Mr. Fox said, had any honourable pride, what satisfaction could he have in that praise which came from those who knew not the grounds of it, who could neither tell whether the thing done could not have been done at a less expence, or in less time? It was better to be content with the praise of his own mind, since the right honourable gentleman knew more of the matter than they did, and consequently his approbation was of ten times the value of theirs. The honourable gentleman having feared that pre-

cedent would fail him, had abandoned precedents to have recourse to authority. He himself, Mr. Fox declared, approved authority: but how did he know what information the city of London was possessed of respecting the convention? If they approved of it without inquiry, was that a reason for the House to praise it without inquiry? And was the conduct of the city of London to be brought forward as an infallible example for that House?* He reverenced the authority of the city of London, and had often supported it against the right honourable the chancellor of the exchequer, who was not always in the humour to favour the conduct of the city. He believed that it could not be denied, that the authority of the city of London on the shop-tax and the tobacco-bill, was as much to be depended on, as upon a subject which the House of Commons must not enquire into. But it had been said by an honourable and learned gentleman, who had spoken early in the debate, (Serjeant Watson,) that it might revive grievances. What, he would ask, was to have this serious effect? Why, letting the House of Commons know what the courts of Spain and of Great Britain knew full well already! The Spaniards, said a noble lord (Belgrave,) were a proud, haughty people, but they were slow and tedious and operose, and, of course, forced us to make a great preparation for war, when one would naturally imagine that the very reverse would have been the consequence of such a character as the noble lord had been pleased to give them. Let not the House, therefore, upon such arguments as these, negative a motion founded in true wisdom; and, above all, let them not give to administration that base and treacherous confidence which had been recommended that day; a confidence founded in ignorance, which was a disgrace to their understandings, and a breach of trust to their constituents. Another noble lord (Carysfort) had stated rather a whimsical hypothesis, and had said, that possibly when they came to consider the merits of the convention, they might disapprove of it, and then it would be right to call for the papers. Let them see what a curious situation following the noble lord's advice would probably place them in? They would reject the present motion, and when, upon investigation of the convention, they should see ground for censure, they would then stand convicted of having rashly and prematurely negatived a motion, which they had found that they ought to have adopted in the first instance. If they approved the convention, trying it by the true test, the information the papers would afford, they would escape incurring so ridiculous a dilemma. During the last session of parliament, when these papers had been asked for, and another motion for other papers had been made by

him, the words "during a pending negotiation" were as common in the mouths of the minister's friends, who opposed the motion, as "Mr. Speaker," and "I rise, Sir," were common in the forms of address, as words of course, in that House. There was not a single speaker who did not lay great stress on the pending negociation. What was the natural inference? that the production of the papers was to be objected to during the pending negociation, and that when the negociation should be brought to a termination, the objection would be done away. How was this reconcileable with the negative of the majority of that House, which the right honourable gentleman had, a few days since, in so extraordinary a manner anticipated? In the debates relative to the affair of Falkland Island, the very sort of papers then asked for had been granted; and why should they not be granted at present? The honourable gentleman, who first opposed the motion, contended, that in the debates on the Falkland Island affair, impeachments, and axes, and gibbets, were mentioned. Was that all? He had thought that, exclusive of the able and masterly manner in which his honourable friend had opened the ground of his motion, one great and striking merit of his speech had been, that, although he laid proper energy on each argument necessary to support the question, he had strictly confined himself to saying what the subject required, and had not gone out of the case beyond its due limits. If his honourable friend had talked widely of impeachments, and gibbets, and axes, the two cases, to use a vulgar phrase, would have run upon all fours, and he might probably have succeeded; but the untimely omission had proved fatal to his motion. With regard to those axes and gibbets, those elegant expressions, those beautiful tropes and figures of speech —according to the honourable gentleman's argument, it was to be understood that the House, at that time, having voted for axes and gibbets, occasioned the papers to be called for, and their not having done so in this instance, was the true reason why the motion was likely to be negatived. One honourable gentleman had talked of the necessity of having a strong administration. When the affairs of Europe wore a critical aspect, a strong administration was highly necessary; but if by what he had said on this head, the honourable gentleman meant an administration which could do strong things, without being subject to the control of parliament, he must say, that this strength led to the excess of weakness, and would ultimately prove fatal to the existence of our constitution. If such praise was pleasing to the present minister; and he conceived conduct of that sort tended to the glory of the country, the glory of the country would bring on its destruction. If

such, therefore, was the minister's relish, Mr. Fox declared that, though no personal friend to that minister, he had ever thought better of him, than to suppose him capable of receiving satisfaction from such gross flattery: he must, indeed, have a very low mind for so exalted a situation! Mr. Fox exclaimed, "Oh! what a better word was the old English parliamentary term 'jealousy,' to express the duty of that House, than the modern substitute 'confidence,' which had of late been adopted!" Formerly, the first great duty of every member of the House of Commons was, that he should regard every act of the administration with jealousy, and watch their conduct with the utmost vigilance and attention. Now, blind confidence was dwelt upon as the great function of that House, and they were desired to extend the degree of credit which they gave the minister to such an extravagant length, as to vote away millions of their constituents' money, without expecting to know in what manner it had been expended. In fact, their duty was not only to judge whether the minister was an honest minister, but (what they had also a right to expect) a bold, an able, a prudent, and a wise minister. The way to have a bold, an able, a prudent, and a wise minister, was to let him know, that he was to be responsible to that House for all his measures, and that his conduct was to be, from time to time, enquired into. An ingenuous mind would court inquiry, and be proud to have every public measure which he brought forward scrupulously investigated. The moment, therefore, in which the House abandoned that part of its duty, the conduct of administration became dangerous and delusive; because a minister, who knew that his conduct would not be enquired into, might be tempted to pursue bad measures, till at last he involved his country in irretrievable ruin. The honourable gentleman who first opposed his honourable friend's motion, Mr. Fox said, had left the other side of the House a hole to creep out at, in defence of the negative to the motion, by saying, "for these and other reasons he should oppose the motion." If, therefore, the motion was to be negatived, he hoped it would be for the unmentioned reasons, and not for those unconstitutional reasons which had been insisted upon. Mr. Fox alluded to what Mr. Wilberforce had observed relative to the information he had received from his constituents, of their being satisfied with the convention, declaring that he should be glad to hear that the manufacturers had reason to think Spain more ready to encourage their goods than heretofore, but report had talked very differently upon the subject, and inferred, that a higher duty had lately been imposed on all English manufactures imported into Spain than ever.

The motion was also supported by Mr. Windham, Mr. Jekyll, Mr. Lambton, Lord North, and Mr. Powys; and opposed by Lord Belgrave, Sir W. Young, Mr. Serjeant Watson, Lord Carysfort, Mr. Drake, and Mr. Pitt. On a division, the numbers were,

	Tellers.			*Tellers.*	
YEAS	Sir J. Erskine Mr. Adam	134.	NOES	Mr. Neville Mr. Steele	258.

So it passed in the negative.

ADDRESS ON THE CONVENTION WITH SPAIN.

December 14.

THIS day, Mr. Duncombe moved, "That an humble Address be presented to his majesty, assuring his majesty that his faithful Commons have proceeded to an attentive consideration of the declarations exchanged between his majesty's ambassador and the minister of the catholic king, and of the convention which has since been concluded, and which his majesty has been graciously pleased to lay before us. That they are eager to embrace the first opportunity of offering to his majesty their cordial congratulations on so satisfactory an issue of the late negociation, which has continued to these kingdoms the blessings of peace, has maintained the honour of his majesty's crown, by providing an adequate reparation for the violence which was committed at Nootka, and has secured to his majesty's subjects the exercise of their negociation, commerce, and fisheries in those parts of the world which were the subject of discussion; and that they observe, at the same time, with peculiar pleasure, the happy prospect which is afforded by this amicable arrangement, avoiding future occasions of misunderstanding with the court of Spain, and of preserving that harmony which must so essentially promote the interest of the two countries."—After the address had been supported by Aldermen Watson and Curtis, Mr. Stanley, Sir William Young, Mr. Dundas, Colonel Phipps, Lord Muncaster, and Mr. Ryder; and opposed by Mr. Pulteney, Mr. Loveden, Mr. Windham, and by Mr. Grey, who moved an adjournment,

Mr. Fox rose and prefaced a most able discussion of the merits of the convention, and the general policy of Great Britain with respect to foreign powers, with some remarks on the singular manner in which the debate had been opened. It was hardly worth while to notice particular modes of speaking, except when, by frequent repetition, they grew into a sort of fashion, and seemed to convey ideas not strictly constitutional. It was perfectly fair for any gentleman to say that he had the ho-

nour of representing an extensive county, or a great commercial city, and that such or such he conceived to be the sense of his constituents; but to introduce this with a view of giving greater weight to the opinion that he was to deliver, or any weight but what it might derive from the force of his argument, was neither proper nor parliamentary. The leading principle of the House was, that all the members, whether knights of shires, citizens, or burgesses, were on a footing of perfect equality. They were not to consider themselves individually as the representatives of this or that particular body, but as the representatives of the people of Great Britain, and in this point of view, the voice and opinion of a member returned by the most rotten borough in the kingdom were of equal authority with those of a member returned by the most populous city or county. This mode of speaking, however, the gentlemen who moved and seconded the address, had thought proper to adopt, and with a reference also to the opinion of their constituents on the measure before the House. How they were assured of that opinion, it was not his business to enquire. As far as he had heard, it was a measure on which the country at large was much divided; and on which few gentlemen could venture to pronounce what was the opinion of the majority of their constituents. But it was the duty of the House to examine it on its own proper merits, without regard to opinions, or reports of opinions, and instead of debating about what were the sentiments of the manufacturers of Yorkshire or the merchants of London respecting it, to confine their attention to such information and such documents as were regularly before them.

A noble lord (Muncaster) had expressed his surprise at the present conduct of gentlemen on his side of the House, compared with their conduct on a similar occasion, in 1787, when the interposition of this country in the affairs of Holland was under discussion. Those who had alluded to that transaction, had done him the justice to acknowledge that he had liberally commended the measures then adopted; and this, instead of exciting their surprise, ought to be considered as a proof of his sincerity in condemning the measures now under discussion. If the late measures were so generally popular as they had been represented, those who voluntarily incurred the risk of unpopularity, by arguing against them, were surely entitled to credit for the purity of their motives. It was easy at all times to swim with the tide, and something might be gained by flattering popular opinion. To oppose it, was a task as unprofitable as ungracious; and he who undertook it, must reasonably be supposed to act under the influence of some stronger and more laudable motive than the affectation of

singularity. He was ready to own, that he wished for popularity; he had enjoyed the possession of it; he had been mortified by its loss. Neither the one nor the other depended on himself; but it was always in his power to do what he felt to be his duty; and he had ever held the pleasing of his constituents to be an inferior consideration to that of discharging the duty with which they had entrusted him. An honourable gentleman, the representative of a large county, (Mr. Rolle,) had said, that his constituents reposed great confidence in the minister. Their confidence was no argument for the confidence of the House. He, as the representative of a city, not the least populous or opulent in the kingdom, composed of inhabitants of as various descriptions, and likely to be as well informed as those of any other, could refer to stronger proofs of the confidence of his constituents than any that the honourable gentleman could produce, were he to consider these as any corroboration of his argument.

Instead, however, of resorting to this sort of authority, he wished to enter into the discussion of the convention on such information as the House had before them; and first, to give his reasons for voting for the motion of adjournment, rather than for a motion of praise or of censure. When the House resolved last night that they would see no papers but the papers on their table, they precluded inquiry, and, of course, rendered censure and approbation equally improper. When the necessary illustrations were refused, it was impossible to say whether the measure was beneficial or the contrary. Had they any means of knowing that the terms obtained by the convention, or terms relatively as good, could not have been obtained in the first stage of the business, before the declaration and counter-declaration were exchanged, immediately after they were exchanged, or at some intermediate period, between that and the 4th of November? If they had precluded themselves from knowing the circumstances on which the merit or demerit of the negociation so essentially depended, on what pretence could they either censure or approve? If it was true that Spain had offered to disarm immediately after the exchange of the two declarations, which there was reason to believe, although they had resolved that they would not enquire, ought they to pass a vote of thanks to his majesty's ministers, when, by agreeing to disarm in August, the greater part of the expence, and much of the loss and inconvenience naturally resulting from the hazard of war, might have been saved? These were surely good grounds for suspending their opinion: but if he thought the convention as good, advantageous, and secure, as he thought it bad, insecure, and inadequate to what the country had a right to

demand, he would not vote for an address of approbation, on the blind confidence that was demanded of him; and for this too, some additional reasons had appeared in the course of the debate.

The honourable magistrate who seconded the address, had felt himself called upon to give a specimen of his local knowledge, from which he had been able to collect no more than that the Straits of Magellan were to be found in the extremity of the south of America. But he had traversed the globe, from the north-west to the north-east, and emphatically demanded, 'who did not see that we must continue armed, till the Baltic presented to the northern fleets a plain of impenetrable ice?' If it was true, that the fleets of the Baltic had been the reason for our continuing armed, which, as well from the quarter whence the intimation had come, as from other circumstances, there was ground to suspect, he should be glad to hear it from authority. On the policy of such conduct he would not touch; but if ministers had kept up an armament for one purpose, they ought not to call upon the House to pay for it under colour of another. This, on the face of it, would be a circumstance of strong suspicion, which, if they suffered to pass over without examination, they were no longer the controllers and the judges of public measures, but mere tools in the hands of the executive power. It had been observed by some one, that free governments were ill calculated for those master strokes of policy, by which one end was more easily effected, while another was pretended to be kept in view. Now, he conceived it was a merit in free governments, not a defect, that they prevented those strokes of crooked and insidious policy, which none but the weak would admire, and none but the wicked would execute. Were the House to sanction such a line of conduct, the government of this country would be worse and more faithless than the most absolute despotism; because, under the colour of a free government, ministers, by collusion with the House, would be enabled more effectually to deceive. It was a fundamental principle of our government, and a principle never to be departed from, that the House of Commons was, on no pretext, to vote money for one purpose, when the expence had been incurred for another. He should not have said so much on the strength of an observation from an honourable gentleman not immediately connected with, though very friendly to administration, if it had not struck him as being, perhaps, the clue by which the whole mystery might be unravelled, of keeping up an armament, while the cause was so studiously screened from examination.

It had been the general language of one side of the House to magnify the necessity of vindicating the insulted honour of

the country. On this point he entertained the same opinion now that he had fairly stated in the late parliament. He had given it as his opinion, that reparation ought to be made for the insult offered to the national honour, and that no reparation ought to be deemed sufficient, that did not include in it a security against future insult. Honour to nations was, perhaps, the only justifiable or rational ground of contest. Wars for the sake of conquest, of acquiring dominion, or extending trade, were equally unjust and impolitic. He who vindicated the honour of a country, was the advocate for its dearest interests; because, to vindicate its honour was to secure its peace. This principle had been adopted in the beginning of the dispute. He would, then, examine how it had been followed, and trusted that he should shew that the point of honour had been compromised in the very first step. Reparation for the insult was the first object, and the arrangement for preventing future disputes, the second. He should consider each in its order.

The reparation obtained was, *primâ facie*, insufficient. It fell infinitely short of that which had been obtained on the dispute about Falkland Islands, notwithstanding the affectation of contempt with which the satisfaction demanded on that occasion had been treated. Reparation was then the only object in view, and it was obtained in its fullest extent; for Spain agreed to put every thing in the same situation as before the insult complained of was committed, and actually did so. In that case, there was a full and complete restoration; in this, there was only a declaration of a disposition to restore, but without any restoration in fact. It was true, that a very respectable minority of the House of Commons had disapproved of the terms then obtained; and at the head of those who thought the reparation insufficient, was the late Earl of Chatham; but, was it to be compared with the mere verbal restitution? — for as yet no more was obtained by the convention. If he disapproved of that, what terms of reprobation would he not have applied to this? Had we abandoned all claim to every part of north-west America, having made a settlement at Nootka, with no intention of infringing on the rights of Spain, but under the idea of a just right, that settlement ought to have been first restored to us in the same situation as we possessed it, as a reparation for the insult received by the forcible ejection; and therefore, in the only fair comparison that could be made between the two cases, the present convention was worse than the despised convention of Falkland Islands. A learned gentleman, (Mr. Dundas,) had strongly censured the convention of 1771, because it had not cut off the occasion of future quarrel, as the present did, by

confining the pretensions of Spain within proper limits. Yet that convention, bad as he now thought it, the learned gentleman had been within eighteen months of supporting; for having supported all the measures of the ministers who made it, from the day on which he took his seat in parliament to the day on which they went out of office, it was more than probable that he would have supported that also, had he been in parliament when it took place. The learned gentleman ought to recollect that, on that occasion, no arrangement to prevent future disputes had been promised; and that all that was promised had been performed. He ought, therefore, to have treated that convention with less severity, if not from regard for his former friends, as a mark of gratitude for the fruit it had produced. If, as he had argued, it contained the seeds of the late dispute, which, in twenty years, had grown to maturity, and afforded an occasion for obtaining the inestimable advantages which the learned gentleman attributed to the present convention, so far it was accessary to the boasted triumph of the minister, and so far, at least, it was entitled to the learned gentleman's respect.

The learned gentleman had also said, from information which he no doubt possessed, but of which the House knew nothing, that the advantages of the present convention were in a great measure owing to the length of the negociation. Had it been but sufficiently protracted, it was impossible to say how high the sum of our gains might have risen! But as these were facts known only to ministers, they formed an additional reason for coming to no vote, without farther information. It had been amplified as a great accession of national honour, that we had broke through an unreasonable claim, not only for ourselves, but for all other nations, and that it became the dignity of a great people to destroy such claims wherever they were found. But would any man seriously defend the romantic doctrine, that we were to make all other powers with whom we might have a dispute, renounce absurd claims, perhaps in no wise connected with it, before we agreed to an accommodation? On this principle, might his majesty be attacked for his claim to the title of King of France, and the Kings of Naples and Sardinia, for styling themselves Kings of Cyprus and Jerusalem. All that we had to do with the claims of other nations, however absurd they might be, was, when they were made the occasion of difference, to insist on their being so regulated as to prevent disputes in future. Of those who had been concerned in the convention of Falkland Islands, he had the honour of living in habits of friendship with some: others were members of the present administration, and might be supposed to have atoned for their share in

that transaction, by the great and important services to which they had lent their aid in that capacity. It was, therefore, rather hard to revive the opprobrious memory of that measure, for the sake of a reflected compliment to the minister—not the minister in whose office the business of the convention was transacted, but the minister who presented it to the House of Commons, and to whom all the honour of it was attributed, as if it had been his own single act, from the fondness that had lately prevailed of praising men who were present. Of that honour, however, the other members of the cabinet ought to have their share, and it was unkind to allude to the pusillanimous convention of Falkland Islands, as it was now called, when the president of the council had atoned for his share of the demerit of that transaction, by his share of the merit of this. It was evident, however, that we had fallen short of our first object. The reparation promised was incomplete, and what was promised had not been performed. On the point of honour we had nothing to boast; for the ground of our triumph, we must therefore look to the arrangement made for preventing future disputes.

He was ready to admit that the occasion was favourable for settling all disputes respecting the undefined claims of Spain. The right honourable the chancellor of the exchequer, when he presented his majesty's message to the House, had said, that full and complete satisfaction must be obtained for the insult offered to the national honour, previous to any discussion of the contested right, and that no satisfaction would be considered as complete, which did not take away the ground of future quarrel. This determination the House adopted, and he rejoiced in the prospect of avoiding the trouble and expence of a tedious discussion of a question of right. In the conduct of the business, however, a contrary mode had been adopted. We had contrived to bring the question of right into discussion almost in the very first instance, and after satisfaction for the insult was offered and accepted, the convention, which thus became a distinct object, had cost as much as the reparation for our injured honour. The learned gentleman seemed to triumph in this expence, and demanded, whether it could be considered as bearing a comparison to what it had been the means of obtaining? In estimating what we had obtained, we must take into the account what we had concealed; and by this criterion he should try the second part of the convention.

In the early part of the debate, he had heard nothing but rodomontade about our acquisition—nothing but of new sources of trade, new objects of enterprize, new oceans and new continents opened to the activity of our merchants and

the courage of our sailors! Such flowers of rhetoric were elegant embellishments, equally convenient to give force to argument, or to conceal the want of it: but, was it true that we had opened any of those sources, or made a single acquisition? An honourable gentleman, who spoke immediately before him, (Mr. Ryder,) had put the question on its true grounds. Having caught the contagion of the speakers who preceded him on the same side, he had talked of gaining and acquiring, but, in the progress of his argument, he had very properly stated that we had acquired nothing, but only obtained security for what we possessed before. This was precisely what we had obtained; an advantage, no doubt, because it was often wise to give up part of an unlimited right, to secure the uninterrupted possession of the rest; but an advantage to be estimated by comparing what we gave up with what we retained.

What, then, was the extent of our rights before the convention — (whether admitted or denied by Spain was of no consequence) — and to what extent were they now secured to us? We possessed and exercised the free navigation of the pacific ocean, without restraint or limitation. We possessed and exercised the right of carrying on fisheries in the south seas, equally unlimited. This was no barren right, but a right of which we had availed ourselves, as appeared by the papers on the table, which shewed that the produce of it had increased in five years from twelve to ninety-seven thousand pounds. This estate we had, and were daily improving; it was not to be disgraced by the name of an acquisition. The admission of part of these rights by Spain was all we had obtained. It remained to enquire what it had cost. Our right before was to settle in any part of South or North-west America, not fortified against us by previous occupancy, and we were now restricted to settle in certain places only, and under certain restrictions. This was an important concession on our part. Our rights of fishing extended to the whole ocean, and now it too was limited and to be carried on within certain distances of the Spanish settlements. Our right of making settlements was not, as now, a right to build huts, but to plant colonies, if we thought proper. Surely these were not acquisitions, or rather conquests, as they must be considered, if we were to judge by the triumphant language respecting them, but great and important concessions! Every new regulation was a concession, not an acquisition. It was, indeed, said, in his majesty's message to both Houses of parliament, that a claim was asserted by Spain to the exclusive rights of sovereignty, navigation, and commerce, in the territories, coasts, and seas in

that part of the world: but, was a message from his majesty a sufficient authority to the House for the nature and extent of the claims of Spain? An honourable baronet had said, 'Look into all the treaties, from the time of Charles the Second to the treaty of Utrecht, and there the romantic and unwarrantable claims of Spain will appear.' Were that statement correct, the consequence must be, that our claims on Spain were unjust and unwarrantable, and insisting on them a direct violation of the faith of treaties; because, wherever the claims of Spain were recorded, the concessions of Great Britain were recorded also. But he rejoiced for his country that it was not so. He was as much a friend to the claims of Spain, sanctioned by the treaty of Utrecht, as Count Florida Blanca, or any Spanish minister, because they were founded in justice. These were an exclusive right of territory, navigation, and commerce, on the seas and coasts of Spanish America. The absurd and extravagant claims arose from extending the term Spanish America, to seas and coasts where Spain had no right of occupancy, and in this extension of the term had every one of our preceding disputes about the claims of Spain originated. To what did we object before, but to the indefinite limits of Spanish America? The objection still remained; for the limits of Spanish America were still undefined; not, perhaps, in a way so likely to create disputes as formerly, but still sufficiently vague and uncertain to afford a pretext where there was a previous disposition to quarrel.

On this point, therefore, abstractedly considered, we had gained nothing. We had renounced the right of permanent settlement on the whole extent of South America, and where the admitted right of settlement on the north-west coast commenced was completely undefined. If it was said at Nootka, we did not know that Nootka would be restored. It was, indeed, stipulated by the first article of the convention, that all the buildings and tracts of land of which we had been dispossessed about the month of April 1789, were to be restored. Why, about the month of April was mentioned in so indefinite a way, a learned gentleman had endeavoured to explain, by saying that there was danger in mentioning a particular day, because if any mistake of date should occur, that might give rise to dispute. If Captain Meares's authority was good for any thing, it was surely good for the date at which his ship was taken, and that, by his own account, was on the 13th of May. Why about the month of April was inserted as the date of what happened in May, being on the face of it unaccountable, gave reason to imagine that it was done to answer some purpose, and consequently

excited suspicion. By the second article, it was provided, that every thing of which either party had been forcibly dispossessed by the other, subsequent to the month of April, should be restored, or a just compensation made. Now, as there was some ground to believe that we had been dispossessed of Nootka subsequent to that period, how could we be sure that Spain, instead of restoring it, would not offer a compensation? The learned gentleman said it was otherwise agreed upon. If he knew that, he knew more than the House knew. They were allowed no information; they were directed to read the text straight forward as it were with blinkers on their eyes, to prevent them from looking to the right or left. By the third article, we are authorised to navigate the Pacific Ocean and South Seas unmolested, for the purpose of carrying on our fisheries, and to land on the unsettled coasts for the purpose of trading with the natives; but after this pompous recognition of right to navigation, fishery, and commerce, comes another article, the sixth, which takes away all right of landing, and erecting even temporary huts for any purpose but that of carrying on the fishery, and amounts to a complete dereliction of all right to settle in any way for the purpose of commerce with the natives.

If he were asked what was the value of the part of South America, to which we had thus renounced all claim, he would answer, that he had no means of judging but by the accounts that had been given of it; nor was its intrinsic value of any consequence. It had been described by an honourable magistrate as a bleak and inhospitable region, productive of nothing; and by another honourable gentleman, as containing mines of unknown and inestimable value. These were figurative mines, no doubt; but whether figurative or real, what reason had we to deprive ourselves of any probable or possible advantage that might be drawn from it without an equivalent? Were he, however, to admit, that it was a tract of country from which we were likely to reap no advantage, and in which we should probably never form a settlement, in bestowing a boon, the value to him that received was as much to be considered as the worth to him that gave. It was, perhaps, of little value to us, but it was of great value to Spain. To remove all possibility of our ever forming a settlement to the south of her American colonies, was an object for which she would have been willing to pay a liberal price. Ministers who had been meditating a war against her, might know better than he the horror which she always felt at the idea of her American colonies being visited by any European power. But, independent

of the anxious jealousy with which she had always watched those colonies, he knew that the vicinity of an enlightened and free people would be considered by her as an object of antipathy and dread. In renouncing all right to make settlements in South America, we had given to Spain what she considered as inestimable, and had in return been contented with dross.

If the southern whale fishery was of the great importance it was stated to be, in respect to it also, we had made a concession of great moment. He would not dwell on what he had been told, of the most valuable fish being only to be found near the shore, or of their making to it, when wounded, as to a place of shelter, because it was to him only matter of report; but he knew, as a politician, that a restriction from approaching within ten leagues of the coast, was a demarkation of limits not calculated to give security, but to create dispute. His majesty engaged by the fourth article to take the most effectual measures to prevent the fishery from being made a pretext for smuggling, which if he did not, the whole treaty fell to the ground. How was that to be done on a distant coast, which all the vigilance of government could not do on our own? If the words "effectual measures" were to be liberally interpreted the best measures in his power, what measures was it in his power to take, that, under such a limit of navigation, would protect the honest and check the fraudulent navigator? All the skill of the most tried experience, aided by the nicest mathematical instruments that the singular ingenuity of our artists, superior as they were to those of any other age or nation, could furnish, would never enable any man to observe such a line with certainty; and if transgressors were to be subjected to any penalty, which they must necessarily be to prevent transgression, by what rule of proof was it to be ascertained that it had or had not been transgressed, or that one man had gone within it unintentionally and innocently, and another wilfully and fraudulently? How was that protection to the innocent and punishment to the guilty, to which all his majesty's subjects were entitled, to be measured out? If mariners were to be warned, it should be said to plain men, "Pass not the mouth of such a river, sail not beyond such a cape." But it was a strange and impracticable instruction, to direct them not to approach within thirty miles of a shore which they had never seen.

We were allowed to settle to the north of the parts occupied by Spain, and to build temporary huts to the south; and the limits beyond which we were to do this, were to be ascertained by a vague description, not by any certain mark

of place. To this, said a learned gentleman, those who complained of the length of the negociation had no right to object, because, to have settled the limits of Spanish occupancy, by any precise line, would have protracted it still farther. It was a singular argument in favour of a negociation, that although it had been long, when concluded, it was still incomplete; and it was equally singular, that that which had not been done should be mentioned as a sort of excuse for its length. The learned gentleman had, however, said, that we, not knowing the exact extent of Spanish occupancy, might have been liable to be deceived and defrauded of part of this open territory, had we agreed on a precise limit in the first instance, and concluded his defence, by observing, that the territory was not of much value, and that a few miles more or less was not worth contending for. In this conclusion he was ready to concur. Certainty was of much more value than extent of territory, and therefore he would have thought it good policy to obtain a precise line, in the first instance, on such an account as Spain chose to give of the limits of her occupancy, even if that should have been obtained at the expence of a few leagues of country. Thus we had given up all right to settle, except for temporary purposes, to the south of the Spanish settlements, or in the intervals between them, where they happened to be distant. We had obtained an admission of our right to settle to the north, and even that we had not obtained with clearness. As "Spanish settlements" were the only mark of limits, suppose we were to meet with one farther to the north than we expected, and a dispute to arise whether it was new or old; it would be some difficulty to send out builders to decide, from the state and condition of the materials, whether the buildings were new or old, according to the meaning of the treaty. He recollected, before the passing of Mr. Grenville's bill for the trial of contested elections, that lawyers in the House of Commons, both above and below the bar, had argued on election petitions, very little to their own honour or the credit of the profession. According to them, it was not the length of residence in a place that constituted the right of habitation, but the *animus morandi* of the resident; so under the convention, it might come to be asserted that it was not actual occupancy that constituted a settlement, but the *animus morandi* of the settler. It reminded him of a lawyer's will, drawn by himself, with a note in the margin of a particular clause, "This will afford room for an excellent disquisition in the court of chancery." With equal propriety, and full as much truth, might those who had extolled the late negociation, for the occasion it had given

to shew the vigour and promptitude of the national resources, write in the margin of most of the articles, "This will afford an admirable opportunity for a future display of the power and energy of Great Britain." Were the points of dispute to come immediately before liberal and enlightened men, as the ministers of the two countries might always be supposed to be, they would easily agree on the explanation; but it ought to be considered, in making treaties, not so much by whom, as for whom they were made. The makers, except where invasion was intended, would easily understand them. Not so those who were to act upon them, who might often be ignorant or interested men, and when a dispute once arose and an infraction of treaty was committed, every minister felt a laudable pride in protecting the subjects of his own country. An honourable alderman (Curtis) had intimated his resolution of engaging in the fur trade, on the strength of a notable discovery he had made, that the Chinese, when they mean to buy, are indifferent what price they pay. If the accounts given by writers were to be credited, the honourable magistrate had found a market consisting of sixty millions of consumers, all ready to buy, and at any price; and were he next to find out a spot on the American coast particularly favourable for collecting furs, although for such a market any place where furs could be found would be almost as good as another, by what rule could he ascertain that it was not within the limits of the next Spanish settlement, were the Spaniards to assert that it was? On having fixed the precise line, by information perhaps known to the ministers, beyond which the rival collectors of furs were not to pass, although he himself would undoubtedly observe it, how could he provide against its being transgressed by those whom he employed? By what means were disputes about this limit to be settled, should any arise? Hence, in every point of view, in all that respected the limits of navigation, in all that regarded the limits of settlement, if ever there was a convention framed and contrived to perpetuate, instead of preventing disputes, this was such a convention.

On the seventh article, directing that in all cases of infraction, complaint shall be made by the officers of either party, before committing any act of violence, he appealed to the recollection of the House, whether it had ever been his practice to argue against the interest of his country with foreign powers; but of this article, he was afraid the literal meaning was too good for the practical interpretation of it to be the same. If Spain was to appoint no officers to protect the exclusive trade of her colonies, or if those officers were neither to stop or detain an interloper, without a formal com-

plaint first made through the Spanish minister to the British court, then, indeed, we had not only secured our right of trading to the unsettled coasts of America, but we had opened the whole trade of the Spanish colonies to all who might chuse to avail themselves of the privilege. Of this article he must therefore doubt, from its extreme goodness, as it was impossible to believe that any article could be observed to the extent to which the literal observance of this one would lead.

Thus he had shewn that the treaty was a treaty of concessions, and not of acquisitions; that admitting, as he did admit, the propriety of conceding part of our general rights to secure the undisturbed possession of the rest, we had given up what was of infinite value to Spain, and retained what could never be of much value to ourselves; and that what we had retained, was so vague in description, so undefined in limits, and consequently so liable to be again disputed, that we had conceded much more in point of right than we had gained in point of security.

Such being his opinion of the convention, considered on its own internal evidence, which was all the means of judging allowed to the House, it would not perhaps, appear in a much more favourable point of view, when considered relatively with respect to the general state of European politics. If it had any secret connection with foreign politics, it seemed to have been as ineffectual in obtaining its real as its ostensible object. Since the affair of Holland, in 1787, we had no room to boast of any step we had taken in the politics of foreign powers. If we had meant to humble Russia and compel her to agree to a general peace, we had failed. The King of Sweden had been reduced to the necessity of making a separate peace with Russia, not only without our concurrence, but without our knowledge; and thus had we been lowered in the consideration of Europe. We had suffered a new ally to be wrested from us, and alienated the affections of an ancient friend, without depriving her of the power to injure us.

The measure of 1787 was now said to have been a good measure, but far inferior in all respects to the present convention. Between the two there could be no comparison, had the alliance of Holland been all that was gained by the former. That alliance he considered as of more importance to this country than all the trade of the Spanish colonies; and besides its intrinsic advantages, it led to many great things; but if, by a mistaken application of a good principle, the consequence of it had been to provoke a junction of the northern powers against us, it was perhaps, more to be re-

gretted as a misfortune than extolled as a prosperous event. We had seen nothing lately in the court of Spain that indicated a friendly disposition to this country; and the language of the present debate had not been very conciliating; nor could we turn our eyes to any quarter, where our interference in foreign politics had contributed to our own security. If the convention was neither good in itself, nor the objects more immediately connected with it good, on what ground was it to receive the approbation of the House? It was easy to talk pompously of the prosperity and the greatness of a country, but it was with nations as with individuals, they were not to be judged of by what they said but by what they did. While we talked of our prosperity, we seemed to be in no haste to enjoy it. In our words was confidence, in our acts was fear.

He had approved of the subsidiary treaty with the Landgrave of Hesse Cassel, because he thought the strength it gave would have afforded an opportunity of reducing part of our standing force at home. In that, however, he had been disappointed; for it had been followed by an increase of that very force of which he expected a reduction. Had he approved of the convention on its merits, as a treaty for adjusting a dispute, he should have felt alarm at the continuance of armaments, after the ostensible purpose for which they were equipped was effected, and have withheld his approbation till better informed. It was curious to see a minister, who called himself a minister of economy, increasing our establishments in every department, and still holding out the delusion of saving and economy. The recovery of the alliance of Holland was not to be attributed to any wisdom on the part of this country, except that of seizing the favourable opportunity, when it obtruded itself on our attention, but to a fortunate concurrence of circumstances. The same fortune, aided by the weakness and meliorated policy of France, had placed us in the elevated situation which we now held. Yet with all these advantages, when he looked round for the symptoms of our glory, when he looked to see our alliance respected by ancient friends, and courted by new, he saw it rejected by one power, and renounced by another. When he looked for the security, which so much prosperity might be expected to give, he found that we were adding ten sail of the line to the ordinary establishment of our navy, and 100,000*l.* to the annual expence of our army. These might be the causes, but were not surely the symptoms, of security. Were the situation of which we boasted, our real situation, we should act with as much consistency as the man of pure honour, unsuspected intention, and undoubted

valour, who living feared by his enemies, loved by his friends, and respected by his acquaintance, instead of enjoying the comfortable security of a situation so enviable, should be filling his house and encumbering his person with guns, swords, and pistols. It was not true, as had been asserted, that there was any intricacy in the question of right between us and Spain, had it been thought expedient to bring it fairly to discussion. It stood on the general principle by which all European nations were governed in forming settlements; namely, that where the subjects of no power had settled, those of every other had a right to settle. On the whole, as he could not yesterday give a vote of blind confidence, so neither could he now of blind admiration. He should, therefore, vote for the motion of adjournment.

Mr. Pitt replied to Mr. Fox. After which the House divided on Mr. Grey's motion, that the House do now adjourn.

	Tellers.			*Tellers.*	
YEAS	Sir J. Erskine Mr. Adam	123.	NOES	Sir W. Young Mr. Rose	247.

So it passed in the negative. Then the main question being put, the address was agreed to.

ABATEMENT OF AN IMPEACHMENT BY A DISSOLUTION OF PARLIAMENT.

December 23.

THE next subject which engaged the attention of the House of Commons, was one of the utmost importance, not only to the dearest privileges of that House, but to the very existence of the constitution itself. The question was, Whether an impeachment, brought by the Commons of Great Britain assembled, in their own name, and in the name of their constituents, did not remain in *statu quo*, notwithstanding the intervention of a dissolution? On the 17th of December, in a committee of the whole House, Sir Peter Burrell in the chair, Mr. Burke moved, "That it appears, that an impeachment by this House, in the name of the Commons of Great Britain in parliament assembled, and of all the Commons of Great Britain, against Warren Hastings, Esq. late governor general of Bengal, for sundry high crimes and misdemeanors, is now depending." Mr. Erskine wishing to gain time for deliberation, moved, "That Sir Peter Burrell might leave the chair." A debate which lasted, by adjournments, three days, ensued. Mr. Erskine, in an elaborate speech, endeavoured to

shew, that in consequence of the dissolution of parliament, the impeachment had abated, and on this ground he was supported by Mr. Hardinge, Mr. Mitford, Sir John Scott, and several other gentlemen, principally lawyers. On the other side of the question, the lead was taken by Mr. Pitt, Mr. Fox, Mr. Burke, Mr. Anstruther, Mr. Adam, Mr. Dundas, and Mr. Addington the Speaker. On the third day of the debate, after Sir John Scott the solicitor general, had delivered his sentiments,

Mr. Fox rose and said, that after the question had been so fully debated, the committee could not be expected to listen with much patience to any additional arguments upon it. The constitutional principle had been so ably and so eloquently supported on precedent, analogy, and reason; the fallacies urged against it, so completely exposed, and the arguments so fully confuted, that he was afraid that to say any thing further upon it, would have more the appearance of personal vanity than of a desire to convince. He should therefore, have been contented to leave it where it stood; but, having been always zealous in supporting the privileges of the House of Commons, and, on some occasions, contrary to the opinions of those with whom he agreed on other points, he thought it his duty to give something more than a silent vote in support of a question, in the fate of which all their privileges were involved.

The question was, indeed, of great importance. Of such importance, as he defied human wit, or human eloquence to exaggerate—no less than whether the constitution of the country was a free constitution, under which every act of government was subject to enquiry, and accompanied with responsibility; or, whether power might be exercised without controul, and without any national inquest to take cognizance of its abuse. Those who disputed the right of the Commons to proceed on an impeachment after a dissolution, had argued from a repetition of the same precedents, first referred to, and very ably commented upon by the honourable and learned gentleman who first opposed an immediate decision. All the arguments on those precedents had been answered with so much ability by the right honourable the chancellor of the exchequer, as to render any other answer unnecessary. Of this, those who contended that the Commons had no such right, seemed to have been aware. They appeared to have said to themselves, "the first speech on the precedents contained all that can be urged with any plausibility. That speech has been so fully, so irresistibly answered, that all we can now do, is, to weaken the impression of the answer by repetition; if we cannot convince, we may yet confound." Repetition was accordingly tried. Other learned gentlemen

had risen, and, instead of taking new ground, had gone over the same precedents, built on them the same arguments, and deduced the same conclusions, in hopes, no doubt, that the second answer would be less able than the first. In this, however, they had been disappointed, for a second answer by another right honourable gentleman (Mr. Dundas) had as completely demolished the repetition, as the first overturned the original arguments. Another attempt, however, was made. The routed precedents were again rallied, and brought into the field by another learned gentleman, (Sir John Scott,) who declared that he could not conscientiously vote that an impeachment after a dissolution remained in *statu quo*, unless he was first satisfied that such a principle was agreeable to the practice of the courts below. This third attempt, he feared, would be too successful, inasmuch as the answer which he should give would be much less able than either of the preceding.

It was not his intention to dwell much on the precedents which had been so repeatedly and so ably discussed; but to rest his argument on the general principle, that whatever was inconsistent with, or subversive of a free constitution, could make no part of the law under that constitution. On the precedents, however, the learned gentleman who preceded him, had brought only one new authority, the authority of Lord Danby on the state of his own impeachment, an authority just as good as the opinion of Mr. Hastings would be on the question before the House, and of which the learned gentleman was welcome to the full value. The clear and express resolution of 1678, adopted on the plain analogy of other judicial proceedings in parliament, on careful search of precedents and mature deliberation, that resolution on which Lord Stafford had been tried, convicted, and executed, had been arraigned as an arbitrary resolution, made in bad times to serve a particular purpose, and contrary to the former practice of parliament. The peculiar hardships of Lord Stafford's case had also been pathetically insisted upon, as if any hardship or informality in a particular case would affect the general principle.

After what had been stated with so much precision and so much truth of the times of Charles II. it would not again be contended that they were bad times in parliamentary law, or that any precedent derived from them was to be suspected merely on that account. The fact was, that the times, in a constitutional point of view, were good. All that could be charged upon them was their credulity. The people, harrassed and alarmed by repeated attempts on their liberty, were, perhaps, too ready to listen to those who wished to

take advantage of their fears; but while some of their acts, viewed coolly, and at a distance, might be blameable, the principle on which they acted was good. The condemnation of Lord Stafford, viewed, as we were now enabled to view it, divested of fear and credulity, and convinced that Oates and Bedloe, the principal witnesses against him, were impostors, we must naturally lament. But every man who had perused the printed account of his trial, must admit that it was perfectly regular in point of form, and that the verdict of his peers, believing, as they did, the evidence of Oates and Bedloe, was a just verdict, and such as they were bound in conscience to pronounce. In those times, which were reprobated as incapable of affording a precedent fit to be followed, every question necessary to stop an impeachment, by the exercise of the king's prerogative, had been tried, and all had been baffled by the vigorous and constitutional exertions of the Commons, and ever since completely settled. The king first tried to stop the impeachment by refusing to appoint a lord high steward. The Commons contested the point, agitated it with the Lords, and it ended in settling the commission of a lord high steward, by inserting words which have ever since stood in the commission, and which make the lord high steward not a necessary part of the court of the House of Lords. Thus the Commons, without an act of parliament, established that the king could not stop an impeachment by refusing to appoint a lord high steward, because that office was determined to be unnecessary. The king next tried to stop the impeachment by granting a pardon to Lord Danby. But here again the prerogative of the king was routed by the privileges of the Commons. He would not discuss the point agitated in the conference; it was too clear; the Lords disallowed the pardon as a plea in bar, and such a measure had never since been attempted.

Disappointed in all these means of saving Lord Danby, the king resolved to dissolve the parliament. Here again he was foiled; the new House of Commons took the business up with the spirit of the former, and arguing on the true principles of the constitution, they enforced upon the soundest doctrine and clearest precedents, that notwithstanding dissolution, an impeachment remained in *statu quo* to be proceeded on by the new parliament. The guilt of Lord Danby was, perhaps, as much the guilt of the king as his own. The king had employed his favourite to sell the interests of his people to a foreign power, and to barter away the dignity of his crown for a disgraceful pension to himself. Being so implicated in the crime, he was naturally anxious to protect the instrument of it, and for that purpose resorted to every exercise of his pre-

rogative which the advice of his minister or his own ingenuity could suggest. Of every one of his measures on that occasion, they had a direct parliamentary condemnation. When he refused to appoint a lord steward, the appointment was pronounced unnecessary. When he dissolved the parliament, it was declared that an impeachment did not abate by a dissolution. Fortunate it was for the country, fortunate for posterity, that the king had had recourse to those manœuvres, because it had been the means of establishing beyond a doubt, that no shift or evasion, no abuse of prerogative, no collusion between the crown and the criminal, could defeat an impeachment by the Commons.

The resolution of 1678 did not make the law, but declared what the law was before, and it was illustrated and confirmed by the proceedings of 1690. He was astonished that the learned gentleman should have seized on the precedent of 1690, with so much eagerness, after the inference he attempted to draw from it had been so completely demolished by those who spoke before him; and admitting the inference, if it was before the law of parliament that an impeachment did not abate by a dissolution, the solitary precedent of the Duke of Leeds could not alter it. On the times in which the resolution of 1678 was made, the opinion of men who spoke of them without reference to any particular question, but on a general view of our history and constitution, would far outweigh all that had been said as applicable to the present case. Judge Blackstone, whose opinion was justly in high esteem, had said, that the parliament known by the name of the long parliament of Charles the Second was deserving of the highest praise in a constitutional view. In the body of his work, he enumerates many different regulations which were the work of that parliament, and says that they demonstrate this truth, "that the constitution of England had arrived to its full vigour, and the true balance between liberty and prerogative was happily established by law, in the reign of King Charles the Second." And in a note on that passage, he says, "The point of time, at which I would chuse to fix this theoretical perfection of our public law, is the year 1679; after the habeas corpus act was passed, and that for licensing the press had expired, though the years which immediately followed it were times of great practical oppression." When he granted Lord Danby a pardon, it was determined that the king's pardon was not pleadable in bar of an impeachment. The order of 1678, declaring the law of parliament, was therefore entitled to as much respect as any other act of those great men who had done so much for the confirmation of our liberties. On this point the opinion of Judge Forster, which

no man would treat as a light authority, also concurred. He declared expressly that in 1690 the Lords Peterborough and Salisbury were discharged under the general pardon, and not because the impeachment preferred against them abated by a dissolution of parliament; and added, that it would be harsh to say, that after a prosecution was begun the high court of parliament should not be able to proceed to judgment, the end of all prosecution, without supplemental powers from the crown. Harsh, indeed, it would be, and ruinous to every principle of constitutional check and control by the Commons!

In settling every contested point of law, he would first look to usage and then to reason. There was a great distinction between the ordinary law in the common courts of justice and the constitutional law. For the former he would look to usage, where that could direct him; but for the latter he would look to reason in preference to usage, and for this reason: in ordinary cases certainty was of more value than soundness of principle, but in constitutional law soundness of principle was every thing. Certainty of usage, on a constitutional point, if that certainty was against him, served only to increase his despair, and to drive him to the last desperate remedy for desperate cases. The law of impeachment was not to be collected from the usage of the courts of justice—for whom was it meant to controul? He should be told, men in high stations who might commit crimes that the common law could not reach; but he should answer, first and principally, the courts of justice themselves. Let the power of impeachment be rendered nugatory, and what security was there for the integrity of judges, and the pure administration of justice? *Quis custodiet ipsos custodes?* Were it to be governed by absurd or iniquitous rules of practice, what abuse could it correct? He would not imagine extraordinary cases of enormity in judges, although their responsibility by impeachment was the surest pledge for their integrity. But suppose them so devoted to the crown as to give such a decision as had been given in the case of ship-money. Suppose them, as in the reign of Charles II., so pliant to the prevailing party of the day, as to hang whigs one day and tories another, under form and colour of law, what remedy was left if that of impeachment did not apply? Were a judge even to attain to that enormous pitch of arbitrary wickedness, as to order a man to punishment who had been acquitted by a jury, there was no mode of proceeding against him but by impeachment. When he considered all this, he could not but lament to see gentlemen of the profession of the law in that House, with some very honourable exceptions, indeed, acting, as it were,

under an esprit du corps, forming themselves into a sort of phalanx to set up the law of the ordinary courts of justice, as paramount to the law of parliament, as if they intended, what had been charged on the parliament of Paris, to erect an intermediate republic between the king and the people, to embarrass the one and domineer over the other. With regard to the force of precedents on constitutional points, had the dispensing power claimed by the Stuarts been decided by precedent, it might, perhaps, have been found to be good. But would any man regard a precedent in such a case? Must he not perceive that a legislature, and a dispensing power in the crown were things incompatible; and that wherever any usage appeared subversive of the constitution, if it had lasted for one, or for two hundred years, it was not a precedent, but an usurpation?

But where this new law of impeachment which was offered to them failed, they were told they might proceed by a bill of pains and penalties. What was gained by this, unless it could be made appear that a bill of pains and penalties could not be stopped it its progress by the crown? Such abuses, it was said, were not to be supposed. When control was removed, all abuses were to be supposed. Again, they were told, that if a minister advised the crown to dissolve the parliament to get rid of an impeachment, they might impeach him again. By the same rule he might advise to dissolve them again; and so they might go on impeaching and dissolving alternately, with no other effect than a mockery of justice. The learned gentleman who spoke before him had talked of referring an impeachment to the people by a dissolution. Although the king's pardon was not pleadable in bar of an impeachment, the learned gentleman thought that the king, if he should be of opinion that a person impeached was a fit object of clemency, might, by dissolving the parliament, take the sense of the people at large, whether the impeachment ought to be renewed, and with their acquiescence produce all the effects of a pardon. If this was the learned gentleman's meaning, the true mode of carrying it into effect was on the principle that an impeachment did not abate by a dissolution. The king, by dissolving the parliament, might suspend an impeachment; and if the new representatives chosen by the people should be of opinion that it ought not to proceed, there it must end, and the object of an appeal to the people would be completely obtained. But were it established that an impeachment after every dissolution of parliament must begin *de novo*, the people, however zealous in the prosecution, could never have the means of bringing it to judgment, without the concurrence of the crown, and to dis-

solve the parliament would not be to take the sense of the people, but to foil them in the exercise of their most important privilege.

It had been remarked, that he himself had insisted at the bar of the House of Lords on the right of the Commons to frame new articles of impeachment in any stage of a trial in which they were prosecutors, and even to make the prisoner's own defence the foundation and materials of such new articles. This had been considered as a harsh and rigorous extension of privilege; but it was, nevertheless, an undoubted right belonging to the House, whose power and privileges were great, because their discretion was supposed to be great; and he had insisted upon it, not as a right to be exercised on trivial occasions, or a right on which he meant to act without an adequate cause, but merely as a constitutional principle from which to draw an argument in support of another point for which he was then contending. But if the exercise of this right was considered as a hardship, how much greater would be the hardship if an impeachment were stopped by a dissolution just as the prisoner had concluded his defence, and the Commons on the meeting of the new parliament were to proceed to frame an entire new set of articles against him with his whole defence before them? Yet such might be the situation of any man, against whom an impeachment was preferred, according to the doctrine of the learned gentleman. Another learned gentleman had said, that the points on which the law of parliament turned were of such nicety that none but a lawyer could understand them. The supposed nicety proved the falsity of the argument. Were the case so, how could the law of parliament be ever understood by men of common education and plain understanding, such as composed the great majority of it? Much more, how could it have been established by men of still more ordinary education who composed the majority of the House of Commons, when the theory of the constitution was developed and explained?

The next objection was the want of evidence. They had, it seemed, no knowledge of the proceedings on the impeachment during the late parliament, and there was no evidence on which they could judge whether any thing had been proved by the managers appointed by the late House of Commons. It was somewhat strange that professional men should be so profoundly ignorant of what was known to all the world beside. But they could listen only to oral evidence; the minutes of the evidence taken down and printed by the direction of the Lords for their own information were to lawyers of no use whatever; and the learned gentleman who spoke immediately before him, who unfortunately had not attended

the trial; who had not heard the evidence; who had no materials on which to form his judgment; who could not suffer himself to read written minutes of written evidence, such as composed the greater part of the evidence on the trial; and who was so conscientious that he would not, as an accuser, pray for judgment against a man who, for any thing he knew, might be innocent; had asked how he, as a member of the House of Commons, could go to the bar of the House of Lords and demand judgment against Mr. Hastings, supposing him to be found guilty? When the learned gentleman came to be attorney-general, he would, without any scruple of conscience, move the court of king's bench for judgment against all persons convicted on informations or indictments by his predecessor in office; and that on much weaker evidence than the minutes of the impeachment, which he was resolved to consider as no evidence at all; on no other evidence than a copy of the record; and when he came to be a judge, he would even pronounce judgment on what he must consider as still weaker evidence, namely, the notes of a brother judge. It was well known that nine tenths of all the misdemeanors were tried at sittings, and the record being returned to the court from which it issued, sentence was there pronounced by judges who had heard no part of the oral evidence; who had seen nothing of the demeanour of the prisoner or witnesses; who had no knowledge whatever of the case or its circumstances but what they had derived from the notes of the judge who tried it. Nor was this all; affidavits, both in extenuation and aggravation, might be, and were frequently, produced and read; and on this sort of evidence, which was thus gravely represented by professional men as no evidence at all; on the written evidence of a miserable note-book, rendered still more informal, suspected, and worthless, by the addition of written affidavits; on evidence of such contemptible authority, that if those whose business it was to understand it best were to be believed, it ought not to be of force to pluck a feather from a sparrow's wing, would the learned gentleman when advanced to that bench on which he should rejoice to see him, decide whether a fellow-subject should be fined a shilling or ten thousand pounds, whether he should be imprisoned in the King's Bench for a week, or in Newgate for three years!

What could he say on such attempts by men learned in the law to impose upon the plain sense and unlearned understanding of the House, but with his right honourable friend, (Mr. Burke,) that gentlemen of the long robe being accustomed to find the reward of their talents elsewhere, thought the waste and offals of their learning good enough for the House of

Commons? If the learned gentleman had not been present at the trial, it was his own fault; and it was the first time that he had heard a man urge his own neglect of duty, as a reason for abridging the privileges of the body to which he belonged. On this point, however, he would endeavour to set him somewhat more at his ease. It was proper that he should have been present at the trial, because the House had ordered it; but it was not necessary. There were two ways in which the House proceeded on impeachments. In one they attended as a committee of the whole House in Westminster-hall, and in the other they appointed a private committee, as in the case of Lord Macclesfield and others, who managed the prosecution at the bar of the House of Lords, and where none of the rest of the members had any more right to be present than any other subject. In this mode the House having decided that there was ground for an impeachment, committed the management to a private committee, in whose report they confided; and if their charges were proved, prayed for judgment. The application of the principle to the other mode was obvious. Although the House attended *pro formâ* as a committee of the whole House, it was neither required nor expected that every individual member should attend; and, in this case also, they trusted more to the report of their managers than to their own observation of the proceedings. From the managers, however, the learned gentleman could receive no information. They were a committee no longer, having, like every other committee of the House, been dissolved by the dissolution of parliament. When a new committee was appointed, that committee would have all the necessary documents in their possession, and be able to give the House whatever information might be wanted. It was asked, if all their proceedings did not cease with a dissolution? Precisely those, he would answer, that ceased with a prorogation. On a prorogation, all votes of money and all bills depending fell to the ground. So they did on a dissolution. By a prorogation the state of an impeachment was not affected. No more was it affected by a dissolution. During the interval occasioned by either, the high court of parliament could not sit, any more than the courts of common law, in the interval between term and term. When parliament met after either, judicial proceedings were taken up in *statu quo*, just as in the courts below after a vacation. In this manner had the proceedings on the impeachment been suspended by every prorogation of parliament, and the committee of managers dissolved. After the prorogation the committee had been re-appointed, and the proceedings on the trial resumed. There was no difference between the present situation of the House

and its situation after any of the prorogations since the trial commenced, except that having been sent back to their constituents, they might more properly review their former proceedings, to see what they would abide by, and what they would abandon.

Were a minister, it had been said, to advise a dissolution for the purpose of putting an end to an impeachment, he would be guilty of a high crime. Were a minister to advise a dissolution pending an impeachment, knowing that it would put an end to the impeachment, he would deserve to be impeached himself. He did not mean to insinuate any reflection on the right honourable the chancellor of the exchequer. He had advised his majesty to dissolve the parliament at a time that he thought most convenient for the public service, and he had given the most substantial proofs that he did not believe it would affect the state of the impeachment. But if there were any persons in his majesty's councils who believed, and who meant to maintain, that a dissolution of parliament necessarily put an end to an impeachment, they were highly culpable, and ought to answer to their country for advising a measure, perhaps good in itself, but which they knew must defeat the ends of public justice. By the act of 1773, for enquiring into offences committed in India, it was provided that various parliamentary proceedings necessary for that purpose should continue from session to session, and from parliament to parliament, but not a word was said of impeachments. This was no casual omission, but an omission on principle, to which he pledged, not his opinion, but his veracity. It was in the contemplation of the framers of that act to include impeachments, and on the advice of the late Mr. Dyson, whose knowledge of the law of parliament had never been questioned, they were expressly omitted, that the undoubted right and privilege of the Commons might not be weakened by an indirect admission on their own part, that it was not clear.

It had been observed, that as the dissolution of parliament was generally expected, those who conducted the impeachment, and were anxious that public justice should not be defeated, ought to have brought in a bill to continue the impeachment over the dissolution, when they saw that the trial could not be concluded before it. Those who said so ought to recollect, that it was not the opinion of the managers that the impeachment would be affected by a dissolution. All that on them depended the managers had done. They had moved a resolution in the last session of the late parliament, that the Commons would persevere in the prosecution of the impeachment, till the ends of public justice were obtained, and the resolution had been adopted by the House. What

was the conduct of those who thought that a dissolution would put an end to the impeachment? Did they apprize the House of it? No. When they saw the House voting that they would persevere in the impeachment, when they knew that a dissolution was approaching, which, in their opinion, must necessarily be fatal to it, instead of bringing forward their constitutional law for the information of the House, when such information might have been useful, they carefully concealed it as a snare, as a poison which then lay lurking in their minds, and which was now insidiously brought into action to destroy at once the law of parliament and the constitution. They had been advised to inspect the Lords' journals, and to consider their own as of no authority. His honourable and learned friend (Mr. Erskine) had been the author of this advice:

> Primum Graius homo mortaleis tollere contra
> Est oculos ausus ——

It was, he believed, the first time that a member of that House had advised to consult the journals of the other for the privileges of the Commons, in preference to their own. If their own journals could afford them no information, then, indeed, they might consult the journals of the other House; or they might appeal to the Lords' journals as corroborating the authority of their own, on any point of privilege that was disputed by the Lords; but to search the Lords' journals for precedents to controvert the authority of their own, and to make out a case against themselves, was what he never expected to hear proposed. They had on their own journals an express declaration, that an impeachment does not abate by a dissolution of parliament; a declaration acquiesced in by the Lords, repeatedly acted upon by the Commons, and never once contradicted by a subsequent declaration; and it was strange, indeed, to hear the same learned gentleman who had laid it down as a principle, that an order of any court competent, acquiesced in for a series of years, and never afterwards annulled, made law, advising the House of Commons to consult the journals of the Lords for the purpose of turning aside the clear and uniform stream of the law of parliament as it appeared on their own, for more than a century. He rejoiced not that the debate had taken place, though he rejoiced that it had been continued for such a length of time as to give every gentleman who thought it necessary an opportunity of delivering his sentiments. But let not those who had given occasion to it imagine that this was owing to any respect for their arguments. It was owing purely to his

astonishment at hearing such arguments adduced. Were any man to affirm, in defiance of the act of Queen Anne, that parliament had no right to interfere with the descent of the crown, that the act of settlement was not law, and that the house of Stuart, and not the house of Brunswick, had the only legal right to it, he should feel no apprehension that the proposition might be true, but he should desire time to recover from his astonishment, to repress the indignation which it must naturally excite, and to obtain for it such a free and temperate discussion as might procure the most solid and effectual condemnation of a doctrine so absurd and extravagant. Such a discussion the question before the House had received; and great as were the advantages which the nation had derived from the accession of the house of Brunswick to the throne, he considered the decision of it of as much importance to the constitution and the future happiness of the people, as whether the succession should continue in that House or revert to the house of Stuart. Next to the independent and free-born spirit of the people, the law of impeachment was their best security for the undisturbed enjoyment of their lives and liberties. It was their only peaceable security against the vices or corruption of the government; and let no man, by weakening or annihilating that, reduce them to the necessity of having recourse to any other.

To declare that an impeachment did not abate by a dissolution of parliament, with a view to prevent the improper interference of the crown, had been called "muzzling the lion with a cobweb." After that privilege was asserted and established, the king, it was said, might dissolve the parliament when the Lords were on the point of pronouncing a prisoner guilty, or after he had been found guilty and before judgment was given, and so afford him the means of escape; or, he might create fifty new peers in a day for the purpose of acquitting a state criminal. All this was undoubtedly true. He should lament to see the king's power of creating peers so abused; he should much more lament to see that power taken away; and it was a possible evil against which he could propose no remedy. But was it thus they were to argue, that whenever an ingenious man could point out some possible abuse against which they could not provide, they were to give up every security against that abuse which the constitution had put into their hands? No human form of government was ever yet so perfect as to guard against every possible abuse of power, and the subjects of every government must submit to the lot of men, and bear with some. But when abuses became so frequent or enormous as to be oppressive and intolerable, and to threaten the destruction of govern-

ment itself, then it was that the last remedy must be applied, that the free spirit of the people must put into action their natural power to redress those grievances for which they had no peaceable means of redress, and assert their indefeasible right to a just and equitable government. No man would deny that cases might occur in which the people could have no choice but slavery or resistance; no man would hesitate to say what their choice ought to be; and it was the best wisdom of every government not to create a necessity for resistance by depriving the people of legal means of redress.

Let no man think that these were hard words coming from him on any personal consideration. He was animated by no such motive; but he felt it his duty to state, in plain terms, to what the progress of abuse must lead if the remedy was essentially weakened or wholly taken away. The alternative he had mentioned, every good man must deprecate as too dreadful in its probable consequences; and whenever sad necessity should urge it on, every individual who had a heart to feel for the calamities of his country, must deplore the exigency of the times. Nevertheless, they were to watch possibilities in that House with an eye of caution and jealousy, and should tyranny ever be enforced, he had no doubt but the gentlemen of the long robe, whose opinions on the question before the House he had felt himself obliged to reprobate, would contradict the sentiments they had chosen to deliver, by their actions, and prove by their zeal and activity, that they were as ready to lay down their lives in defence of their freedom, as any description of men whatever. He assured his honourable and learned friend, (Mr. Erskine,) that he had not forfeited any part of his regard by having held an opinion different from his own, on the subject of the three days' debate; and for the rest of the learned gentlemen, he entertained great personal respect, though he felt none for their arguments.

It had been charged as an inconsistency on those who maintained the same opinion as he did, that when they opposed the appointment of a committee to search the Lords' journals, they had argued from cases and resolutions to be found only in those journals. But the charge was nugatory. It was perfectly fair to argue from the Lords' journals, under protest that they would not be bound by them, because it was fit, in case of a dispute, to hear the ground of their adversaries' argument, and turn it to their own advantage, if any advantage could be derived from it. It by no means followed as a consequence, that it was fit to search the Lord's journals in order to make out a case against their own right.

Mr. Fox concluded with a short review of the precedents, contending, with irresistible clearness and force, that all except that of 1685 made against the abatement of an impeachment by a dissolution, and had been so understood by the courts of justice and the most eminent law authorities of the several periods; that according to the legal doctrine of precedents, the last precedent was the best, and that the last—the case of the Earl of Oxford—was decidedly in favour of the right of the Commons; that if the argument on the precedent of 1685 was good for any thing, it proved that the Lords were not bound by the order of 1678, that their orders did not make law, and that the order of 1685 was completely annulled by their subsequent proceedings in similar cases, or might be annulled by a new order. He apologized for having detained the committee on the precedents, as it was not on precedent but on principle that he stood. The right of impeachment, proceeding without abatement from session to session, and from parliament to parliament, was the vital, the defensive principle of the constitution; that which preserved it from internal decay; that which protected it from internal injury; without which, every office of executive power, every function of judicial authority, might be exercised or abused at the discretion or caprice of him who held it, or of him who had the right of appointing to it.

On a division upon Mr. Erskine's motion, "That Sir Peter Burrell do leave the chair," the numbers were Yeas 30: Noes 113. Mr. Burke's resolution, "That it appears, that an impeachment by this House, in the name of the Commons of Great Britain, in parliament assembled, and of all the Commons of Great Britain, against Warren Hastings, Esq. late governor-general of Bengal, for sundry high crimes and misdemeanors, is now depending," was put and carried.

MR. HIPPISLEY'S MOTIONS RESPECTING THE WAR IN INDIA WITH TIPPOO SULTAN.

December 21.

IN consequence of the passage in the king's speech relating to the interruption which had taken place in the tranquillity of our Indian possessions, a motion was this day made by Mr. Hippisley for "Copies of the correspondence between the rajah of Travancore, and the government of Madras or Bengal, on the sub-

ject of the said rajah having purchased the fort of Cranganore, and in consequence of the subsequent attack of Tippoo Sultan on the lines or territories of Travancore." Mr. Francis seconded the motion, and urged the impolicy of extending our territories in India, and of forming alliances with the native princes of that country. Mr. Dundas stated, that Cranganore, Jacottah, and Cochin were places of considerable strength in the hands of the Dutch. That politic people, he said, being alarmed at the warlike preparations of Tippoo, pointing towards the quarter in which these possessions were situated, became desirous of making over the forts of Cranganore and Jacottah to the rajah of Travancore, whom they knew to be our ally; that, by thus in effect throwing themselves under the protection of the British government, they might raise a barrier to Cochin, their most valuable possession on the continent of India. After the purchase was completed, Tippoo Sultan set up a sort of claim to the forts in question by way of obtaining a pretext for his hostile proceedings. But this was not the first time that the ambitious views of Tippoo had been manifested. In the year 1788 he advanced with a formidable army to the frontiers of Travancore, without the least provocation on the part of the rajah; and was with difficulty induced, notwithstanding the spirited remonstrances of the British government, to retire to his own dominions. He was represented as a restless tyrant, ever bent upon schemes of aggrandizement, and ever viewing us with a jealous and a hostile eye. We had on our part most religiously kept the treaty of Mangalore, but he had continually shewn an inclination to violate it.

Mr. Fox contended, that when they had the papers before them for which his honourable friend had called, they would be better able to decide on the true grounds of the provocation upon which they were ready, it seemed, to enter into war. He suspected that the right honourable gentleman who spoke last did not wish for a war in India any more than he did; but from what he had said, a conclusion might be drawn, that without provoking war, without being desirous of conquest, or restless and dissatisfied, we were to be made the dupes of the Dutch on this occasion, and were likely to be led into a war unnecesarily, at least, if not unjustly. The right honourable gentleman had said, that the rajah of Travancore's purchase of the fort of Cranganore was a subject of jealousy to Tippoo Sultan. Ought it not, then, to have been the wisdom of our government to prevent our ally from making a purchase likely to stir up the jealousy of our watchful and suspicious neighbour? If the purchase was made without consulting our government, it was highly blameable, as it was degrading and injurious to the English name. By such looseness, we might be incessantly involved with the neighbouring powers, and obvious policy demanded that we should not suffer an ally to do acts likely to inflame the powers with whom

we were at peace. The right honourable gentleman acknowledged what his honourable friend had stated, that Tippoo manifested an indisposition to the transfer of those forts, when first proposed in the year 1788, and that Sir Archibald Campbell prudently preventing the transfer, he was perfectly satisfied, and remained so till the year 1790, when the transfer was made, apparently without consulting him or us. It was fair to conclude, that however advantageous it might have been for the Dutch to sell those forts to the rajah of Travancore, by which they established a barrier between Tippoo and themselves, it was for us seriously to enquire whether, at the hazard of involving us in a war, it was wise to support our ally in such a purchase. The right honourable gentleman had said, that Tippoo was the person, of all others, who ought to excite the jealousy of the English government, and that his attack on our ally was a subject of great alarm, and of just provocation. It might be so; but let us place ourselves also in Tippoo's situation. Must not the rajah's purchase of these forts be equally a subject of jealousy to Tippoo; and was it not clearly our interest and policy to avoid giving offence, as much as we would disdain to submit to it when given? Mr. Fox maintained that a war in India was as much to be deprecated, nay, prehaps more so, than a war in Europe; war was not only to be deprecated, but conquest itself was undesirable. If it were in our power, by any means, to add to our possessions in India, he was ready to say, he would deplore the addition as a serious calamity. A war for conquest, he hoped, never would be undertaken by England either in India or elsewhere. But he was equally ready to say, that it was not for the interest of this country to suffer Tippoo to gain possession of Travancore at any rate. Saying this, he would, however, take up the converse of the argument, and assert, that the extirpation of that prince would not be a political measure for England to undertake. His vices, his inhumanity, made him detestable; but with the Mysorean country we ought to be friendly, inasmuch as it was the strong barrier between the most powerful of the Indian states and our settlements.—When the papers for which his honourable friend called were laid upon the table, the House would be able to ascertain with what justice they could enter this war, and whether it would not be infinitely more becoming their dignity, as well as more consistent with true wisdom, to negociate a peace between them as a mediator.

The question was put and carried.

February 28. 1791.

This day Mr. Hippisley moved, that the 35th clause of an act made in the 24th year of his present majesty, which disavowed all schemes for the extension of our territories in India might be read; and that the 1st, 2d, 3d, 4th, 5th, 23d, and 44th of the resolutions entered on the journals of the House on the 28th of May 1782, might be likewise read. He quoted several extracts from the correspondence of the government of Fort St. George, in the years 1768, 1770, and 1771, tending to prove, that it would be always our best policy to regard the Mahrattas with a distrustful dread, and to preserve at any price the friendship of the sultan of Mysore. It was then moved by Mr. Francis, and seconded by Mr. Hippisley, "That the present war with Tippoo Sultan appears to have originated in the purchase of Cranganore and Agacottah of the Dutch by the Rajah of Travancore." After the motion had been opposed by Mr. Dundas,

Mr. Fox rose and declared, that he had never heard from a person in authority such confused notions, such a juggle as it were of justice and policy, and tenets so far stretched and so extraordinary as had been laid down by the right honourable gentleman over against him. He added, that Lord Cornwallis had originally taken up the matter in a very proper point of view: he had condemned the transaction relative to the forts in strong terms, in his letters to the board at Madras; but he had afterwards unfortunately altered his opinion. Why, he was at a loss to imagine. He could see nothing like judgment in his having done so. With respect to the hostile preparations of Tippoo, on which so much stress had been laid, it was an argument that scarcely deserved an answer; and though he had heard much hypocritical cant and declamation on the miseries of war, not one word had been said of that part of the India bill in 1784, which provided against the company's entering into any war from motives of ambition or conquest, and which had been copied from a bill of his own. He reprobated the alliance which had been entered into with the Mahrattas and the Nizam, for the extirpation of Tippoo, and the plundering of his territories. It was singular that, at a time when the enlightened policy of the nations of Europe had abandoned all offensive alliances, as if ashamed of their having ever existed, we should persist in that disgraceful system in India, a country, where we professed to maintain, and declared that we would maintain, the greatest moderation. The most striking instance of an offensive alliance formed in Europe, had been the family-compact of the house of Bourbon. That compact, so far as it was

offensive, was annihilated as soon as a better government became established in France, and he was convinced, that it never would be revived. During the course of his political life, the ungracious and unpopular task of finding fault with the measures of government had often fallen to his lot. On the present occasion, he was willing to encounter the popularity of asserting that we had embarked not only in an expensive, but in an unjust war; a war in which defeat might prove almost as good as conquest, and the most brilliant successes might be justly deemed misfortunes. It was an easy matter for that House, or for another popular assembly, to prove that they were right, and their enemies wrong; but the voice of the public would be heard. What was the language of the advocates for the justice of the war? "Tippoo was the aggressor: we will not rest satisfied with reparation for the particular offence, but we will have"—the right honourable and learned gentleman had almost said—"unconditional submission." Did we exact the same unconditional submission from Spain, whom we held out to the rest of Europe as the aggressor in the late dispute? No: for although the offence was flagrant, we only asked for satisfaction. But how had Tippoo become the aggressor in the dispute of the Rajah of Travancore? The rajah had purchased two forts from the Dutch, directly contrary to the advice of his allies the English, who certainly would thence have been justified in abandoning the treaty with him on that occasion; unless it were to be maintained, that in a defensive alliance it was in the power of any of the parties to force the other to embark in a war, as the caprice of the moment might dictate. Mr. Fox put the case, that such a treaty had been made in Europe with Prussia, Russia, or the emperor, and then asked whether, under similar circumstances, it would hold water for a moment? Supposing Spain being an ally of France, France should have bargained for the Low Countries, and Great Britain and Holland made war on France, from the danger they saw in not being allowed to hold the Austrian Netherlands; would Spain think herself bound to join France in a war against Holland and Great Britain? We looked at Tippoo Saib's conduct, and did not see the injustice of our own. Tippoo professed to have a right to Cranganore and Jacottah, and he aimed to recover his right. What do we do? We carry the war into the centre of Tippoo's dominions, extirpate him, and divide his territories. Might not we with equal justice say, We pretend only to defend our ally, and by a trick we get a case made to turn Tippoo into the aggressor, and then we wage offensive war, with a view to his utter ruin? Mr. Fox declared, he had always entertained a

respect for Lord Cornwallis's character, and that it was much heightened by what he had heard of his conduct in India; but, in suffering the war to be made against Tippoo, he thought that he deserved more censure than praise. He also ridiculed Mr. Dundas for going so far back in his argument as the treaty of Mangalore, and termed our war both impolitic and unjust, an excuse for which was sought for in suspicions and surmises.

The motion was negatived without a division.

Catholic Dissenters' Relief Bill.

February 21.

THIS day, Mr. Mitford moved for a committee of the whole House, to enable him "to bring in a bill to relieve, upon condition and under certain restrictions, persons called Protesting Catholic Dissenters, from certain penalties and disabilities, to which papists, or persons professing the popish religion, are by law subject." He prefaced his motion, by observing, that it was well known there was great severity in the laws now subsisting against Roman catholics, but that the extent of such severity was not equally known. In Burn's Ecclesiastical Law, no less than seventy pages were occupied with an enumeration of the penal statutes still in force against them. The present reign was the only one (except the short one of James the Second) since the reign of Queen Elizabeth, in which some additional severity had not been enacted against this description of people. He remarked, however, that the extreme rigour of the statutes in question during the reign of Elizabeth could not be much a subject of wonder, when it was considered that the pope had excommunicated that queen, and absolved her subjects from their oath of allegiance. The motion was seconded by Mr. Windham. He stated two principles, which he conceived were generally supposed to justify the enacting of penal statutes against persons of any particular religious persuasion; one was the ground, that their opinions were in themselves false and erroneous; the other, that the consequences deducible from such opinions were liable to make them bad citizens, and dangerous subjects. In the first instance, he thought that the principle of action might fairly be termed a zeal for persecution; in the latter, he acknowledged it to be of a very different description. In all cases of danger, he thought that we should consider, 1st, the will of those from whom danger was apprehended; and 2dly, the power which they possessed, to execute whatever it might be their will to execute, if they could. In

this point of view, he did not conceive that the conduct of the Roman catholics had been such as to warrant the severity with which they had been treated in the last century. At any rate it was impossible to deem them formidable at the present period, when the power of the pope was considered as a mere spectre, capable of frightening only in the dark, and vanishing before the light of reason and knowledge.—Mr. Pitt thought the House had heard enough to induce them to be unanimous in receiving the bill, and giving it their most serious and deliberate consideration.

Mr. Fox said, he felt it absolutely necessary to offer a word or two, to shew that there was not that unanimity on the subject which the right honourable gentleman anticipated. The objection, however, which he had to the bill proposed, was not in regard to what it did go to, but to what it did not go to; for, in his opinion it by no means went far enough. His honourable friend who had spoken second in the debate, had gone over the general grounds of toleration; his own ideas upon the subject were well known; he differed from his honourable friend in several of the principles that he had laid down. His sentiment was, that the state had no right to enquire into the opinions of people either political or religious; in his mind they had a right only to take cognizance of their actions. He would contend that the Christian religion was not adapted to our, or to any form of government, but to all; but that the religious establishment of any country was to be governed not so much with regard to the purity of the precepts and truth of a religion, as with a view to that sort of religion which was most likely to inculcate morality and piety in the minds of the majority of its inhabitants; and this opinion was sanctioned by the statutes which had passed, making one sort of religion the establishment of the north division of the kingdom, and another sort of religion the establishment of the south. His honourable friend, Mr. Fox said, had declared that he did not agree with him in his argument on the repeal of the test act, but that in nine cases out of ten he could agree in the consequences that he (Mr. Fox) had inferred from his argument, though from a different reason, and that he could undertake to sustain those consequences. Mr. Fox said, there was no rule so general to which there might not be an exception; but he thought he was warranted to maintain that he was right, and had laid down the rule correctly, because it was fair to say that the nine cases made the rule and that the tenth was the exception. The honourable and learned opener had very ably, and, he believed, very correctly, exhibited a list of those sanguinary and horrible laws which were a disgrace to our statute books. Mr. Fox said he was for repealing those bloody laws, not to any persons

exclusively, but to the Roman catholics of every description, let them protest or not. He declared, he could not give his vote for sending the motion to a committee without its being made general, because there was no set of men, who on account of their religious principles ought to be subject to be tried for high treason, and to incur the penalty of death. Having said so much of those Roman catholics who did not protest, Mr. Fox declared, he could not agree with the provisions of the bill for those who did protest; because, if the protestors were sincere in their protestations, they were as good subjects as any who sat in that House. He would ask, upon what principle was a catholic peer not to enter the House of Lords, or a catholic gentleman not to enter the House of Commons, but upon the principle that what they protested against was imputed to them? Mr. Fox stated, that such persecution and oppression upon the general ground of religious opinion, prevailed in no country but ours. Throughout the King of Prussia's dominions universal toleration obtained. In the United States of Holland there was universal toleration; and he was sure in France there was universal toleration; so that in four great empires, all of different constitutions, universal toleration prevailed. What could be the reason of this? Would it be said, that Prussia was too little monarchical for a monarchy, that Holland was too little aristocratical for an aristocracy, or that liberty was not sufficiently extended to satisfy the friends of freedom in France or in America? And yet, though toleration was given full scope to in a monarchical and an aristocratical government, and also in two democracies, under our constitution, boasting of its superior excellence over each of the three forms of government, toleration was to be narrowed, and confined in shackles disgraceful to humanity! Mr. Fox reprobated the idea, and though he declared he was glad the bill was proposed, as he was so much in love with toleration, that he would sooner accept the bill than reject it, if it was all the toleration that could be had and was to be considered as the best compromise that could be made, yet he could not but think such a compromise shameful in the highest degree. When the proper time came, he should move to leave the word "protesting," out of the title of the bill, and when it should arrive at a committee, he would move some amendments, though he would not divide the committee if he should find their sense was against him.

It was then agreed, that the said motion should be referred to a committee of the whole House on the 1st of March.

March 1.

The House having resolved itself into the said committee, Mr. Mitford moved for leave to bring in his proposed bill. He said he wished not for the general repeal of the penal statutes in question; but merely for an exemption from their operation in favour of a few; an exemption, which he trusted could give no possible cause for alarms. His intention was not to admit Roman catholics of any description to situations of trust or places under government; he was only anxious to have them considered as men of honour and loyalty, and good christians, though they differed from us in the forms of religion.

Mr. Fox observed, that notwithstanding his conviction of the liberal and serviceable tendency of the motion, he could not avoid meeting it with the proposed amendment in the addition of the words "and others." As to his own opinion respecting tests, it had been so generally circulated that a recapitulation of it appeared needless. He thought all tests, both in religion and politics absurd and unwise, excepting only the oath of allegiance. He had been the most strong against the test and corporation acts; yet, he admitted, that there was a great and material difference between the considerations that ought to weigh with the legislature on that occasion, and the considerations that ought to weigh with them on this. He never would be found to be one of those, who did not hold that the public had a right to prescribe what qualifications and restrictions they pleased for any person, before the king could employ him in their service. Where Roman catholics did not solicit an admission to any place of trust, but only asked leave to worship God Almighty in their own way, they ought in justice, in reason, and in humanity, to be allowed this liberty, without remaining subject to the operation of severe and sanguinary laws. Toleration in religion was one of the great rights of man, and a man ought never to be deprived of what was his natural right. His having brought forward a motion for the repeal of the test and corporation acts had afforded him this satisfaction, and had produced this good, although it failed in its great object: men of the first abilities and of the highest authorities in that House, had all concurred in admitting, that toleration was the undoubted right of every man. Nay, at all those meetings and assemblies for the purpose of opposing the repeal of the test act, the conduct at which meetings no man disapproved more than he did, every one the most inveterate against the repeal, took the opportunity

to profess himself a friend to toleration. Might he not, then, ask whether it was becoming to profess so much, and to act so little up to their professions, by suffering laws to remain in force which were scandalously disgraceful to the nation, and unfit to exist a moment in any country professing toleration?

The honourable and learned gentleman had opened his motion by resting those laws on the dangerous opinions which Roman-catholics had entertained. He would not believe that the cause of those laws arose in any such opinions, because no such opinions existed. On the contrary, it was notorious that they owed their origin, in the reign of Queen Elizabeth, to another cause — the fear of the power of the pope. Their multiplication to the same cause in the reign of King James. A much more sensible reason operated in the reign of Charles the Second. It was the fear of a popish king and tyrant, and in subsequent times, the fear of a popish pretender. All those fears had been in some degree warranted; but, a wrong mode was taken to appease their violence. In the reigns of Elizabeth and James, persecution had been resorted to; in the reign of Charles the Second, good men, to whom he gave credit for having acted as they thought for the best, though he could not avoid dissenting from their opinion, might have defeated a popish king upon a different and a better ground. But, we were not now afraid of the pope, nor of a popish king, nor of a popish pretender. The pope had no power, the king was out of the question, as they all knew; and, as for a popish pretender, if there were jacobites enow left to go to look for one, in what quarter did such an idol exist? When all these reasons were gone, ought they to continue on their books statutes and laws, which could not be barely stated without being universally scouted. Maxims of toleration, as he had observed the other day, were acted upon more or less in every country throughout Europe. Where, then, was the danger of adopting them with us in practice as well as in theory? In the year 1780, disgraceful riots, it was true, took place, in consequence of a partial relief being given to the catholics; but, if that was admitted as a reason against the general relief he suggested, it was not only an objection to the honourable and learned gentleman's proposition for relief, but to every proposition of the kind that ever could be brought forward. Did any man in his senses think that those who caused the tumults could distinguish between the nature of the oath proposed by the honourable and learned gentleman, or of that which might be suggested on a general repeal of the sanguinary statutes? A bill for the partial repeal of some of the

severe laws had passed in the year 1778; but, laws more severe were left behind, because it was thought as they could not well be carried into execution without the assistance of government, they were not very likely to be carried into execution at all. Had the catholics, since 1778, behaved more dangerously than before? Had they shewn any thing since but the most perfect loyalty, and the conduct of as good subjects as those of the establishment? And, now, more of them came forward and protested their abjuration of those opinions which they never entertained, and which no reasonable man believed them capable of embracing. Relief, ample relief they were entitled to, and it ought to be open to them; they had behaved well, and no fit encouragement was given to good behaviour. He rejoiced, however, that in a few years they must come to a general toleration, for the times were too much enlightened to suffer men's minds to remain shackled. There was one plain road to pursue; keep in, if they pleased, all their statutes for the establishment; the test and corporation acts if they liked it; but let the statute book be examined, and strike out all the others which relate merely to opinions. He believed that, in Ireland, all the acts against Roman catholics were repealed, and no danger had arisen; on the contrary, the catholics had behaved incomparably well ever since, and had given the most substantial proofs of their loyalty and attachment to government.

Mr. Fox wished, as the establishment depended on acts of parliament, to know who gave them a right to decide upon religious opinions, and by what model could they ascertain which opinions were right and which wrong? It was said, by some, that the pope was infallible; by others, that the church and council were infallible; but none had ever contended that that House was infallible: they might subject men to fines and penalties for being better than themselves; at all events, only for differing from them in their mode of worshipping the Deity. He should move his amendment; but, knowing the necessity of compromising for a little, when more could not be had, if he found his amendment likely to impede this measure, he would withdraw it. But, in that case he pledged himself, at some future opportunity, to bring in a bill to repeal those laws to which he had alluded. The time, he hoped, would come when religious liberty would be as generally enjoyed, and considered to be as essential, as civil liberty. Sure he was, it might be permitted with less danger to the state, and greater safety, in all governments. He was happy in being able to assure the House of one strong proof of the tolerant spirit of the times, by stating to them that, at a large and most respectable meeting of Pro-

testant dissenters, they were unanimous in wishing that the protesting catholics might obtain relief, and had come to a resolution to support them in their application. In this country, it was well known, that there was in the establishment a sect termed Methodists, to whom it was imputed that they held a doctrine that some were of the elect, and some reprobated; a doctrine *primâ facie* as bad as could be supposed to be entertained, because it was full as hostile to morality, as the absolution of the pope; but, he would not therefore condemn Methodists, and think, that they ought to be persecuted. His mode of looking at the matter was this; he concluded that they who held such doctrines did not see the same evil consequences as appeared to him likely to follow from them. He knew that there had existed many of the Methodist persuasion, as worthy, as good, and as exemplary characters as ever lived of any sect or description. In like manner, the doctrines of the catholics were denied by themselves to have the evil consequences which were stated to result from them, and both ought to be believed to know best what they considered as the consequences of their own religion.

Those laws which he had reprobated as created for persecution and revenge, were directed against the catholics; when, if justice were adhered to, they ought to have been directed also against other sects, and their not having been so directed, proved that they were intended as a check upon opinions, and consequently that they had been made in the time of one man or body of men, whose aim was to exercise tyranny over others. The tyranny of one man over many was bad enough, but it carried its own cure with it, and a remedy was always at hand. The case was the same with the tyranny of a few over the many; but the worst of all tyranny was that of the many over the few, because there, the case was hopeless; and for that very reason it behoved those in authority to exercise their power with moderation, and not to oppress others. He had always been of opinion that the old proverb, which, from its homeliness, had something rather of a vulgar sound, had great good sense in it: "As you are stout be merciful!" In proportion to the superiority of strength, it behoved all who were in possession of it neither to tyrannise over the few, nor to trample upon the weak; but to take care that their proceedings never wandered from the dictates of justice and humanity; thus imitating what he trusted would prove the politic, enlightened, and liberal conduct of the House to the Roman catholics.

When Mr. Fox had moved his amendment, Mr. Burke rose, and observed that he perfectly agreed with his right honourable friend, as to the propriety of relinquishing the amendment, if it should not appear satisfactory, since the way to prevent a failing of obtaining a desired end, was to accept the smaller good where the greater was not attainable. The surest mode of remedying grievances, was to proceed moderately and do away a little at a time, rather than attempt to cure them all at once. Such violent changes were dangerous, and like a lever swung back at a single stroke from the place from whence it set out. He should, therefore, rather think it wiser to repeal the laws complained of so justly, by piecemeal than all at once. Men ought to be relieved from their prejudices by degrees. The doctrines asserted by his right honourable friend, though he could not subscribe to all of them, did the highest honour to his head and heart; but he could not agree with him, that a state was not impowered to enquire into the religious opinions of all who lived under its protection. It had an uncontroulable superintending power over those opinions, and it was highly necessary for the prosperity, the safety, the good morals, and the happiness of the community, that it should have such a power. Opinions influenced the passions, and the passions governed the man; it was a natural effect, produced from a natural cause.

Quicquid agunt homines, votum, timor, ira, voluptas,
Gaudia, discursus, nostri est farrago libelli;

and so long as such was its operation, it was the interest and the duty of government to maintain and exercise it. But, then, its exercise should be governed by virtue and wisdom, which alone could regulate a good government, the conduct of which should be always marked by candour and temperance.—Mr. Pitt said, that he conceived it to be the general sense of the House, that the bill should be brought in; but, as the discussion had better come on deliberately, at a subsequent and more proper stage for it, and any alteration either in the title of the bill or the extent of it, might be adopted at that more fit stage, if upon due consideration, it should appear adviseable so to alter or extend either the one or the other; it might, perhaps, upon such a ground, be deemed more adviseable to let the motion pass without the amendment.

Mr. Fox answered, that although he did not feel the least reluctance to gratify the right honourable gentleman by withdrawing the amendment, he rejoiced at having postponed it, because what he exceedingly desired, was to have heard from the right honourable gentleman something of the very nature of those remarks which the right honourable gentleman had just uttered, since the right honourable gentleman must know better than he could, what sort of bill or bills were likely to pass without much objection. With regard to the general principle, in which he had the misfortune to differ from his right honourable friend, as to his decided opinion.

that a state had no right whatever to interfere with the religious notions of men, or to refuse universal toleration, he believed that it was an opinion which had gained, and would continue to gain, daily, more and more upon the public mind; but it certainly did not gain upon his mind, because he had entertained no other opinion ever since he had been able to think.

The amendment was withdrawn: after which Mr. Mitford obtained leave to bring in the bill.

April 1.

The House being in a committee on the bill, and various clauses having been brought up and agreed to, *pro formâ*,

Mr. Fox remarked, that there were several alterations in the bill, to which he now gave notice that he could not agree, and which he should certainly oppose, although not perhaps to the extent of taking the sense of the House upon them. It was meant, he understood, to change the name, by which persons taking the benefit of the bill, were to be distinguished. Why any objection should be made against persons calling themselves catholic dissenters, who thought that the name was applicable to their situation, he could not comprehend. They had long been called by the name of Papists in this country; but we had also been in the habit of calling them traitors and murderers, with perhaps as much justice. Papist was an invidious name; and he need hardly say, in an assembly of well-informed men, by no means applicable, in its strict sense, to the English Roman catholics: as such, it ought not to be continued. It was also intended to prevent persons taking the benefit of the act, from exercising any patronage, which, in right of their property, they might possess, or present to any livings in the church. This he thought not only invidious and unjust, but absurd, inasmuch as that which was thought a sufficient security to the government ought to be deemed a sufficient security to the church. The clause in the bill, which denied the benefit of it to any person who shall speak or write against the doctrine of the Trinity, was such as ought never to have been admitted into any bill; and the admission of it into this was peculiarly improper, since it was never imagined, but that the Roman catholics were sufficiently trinitarian to satisfy the most orthodox divine of the Church of England.

April 8.

The report of the committee was brought up. On the clause for enabling catholic dissenters, who shall take the oath, to present to ecclesiastical livings,

Mr. Fox said, that admitting, what he did not believe, that a catholic would be more likely to present an improper person than any other lay patron, the bishop of the diocese had the complete power of rejecting the person so presented. He had the power of enquiring into his moral character, of examining him both as to his learning and his faith, and of requiring the strongest possible test of his sincerity. Where, then, could be the danger to the church? All other dissenters, capable of acquiring landed property, jews, and if it so happened, mahometans, were allowed to exercise this right of property, for, a right of property it was. Upon what principle, then, either of security or of justice, were catholics excluded? On all subjects of general toleration, it was singularly fortunate for his argument, that in this kingdom two religions were by law established. The act of Union wisely provided for the security of the kirk of Scotland, as well as for that of the church of England, and thus gave a triumphant example of toleration. Now, it so happened, that the king, who was by law obliged to be of the church of England, often presented a minister to a Scots kirk, without any danger apprehended from the presentation of an improper person. It might, perhaps, be said, that the two Universities, in whose gift were the livings to which catholics were not allowed to present, would object against the clause, but, with all his great respect for them, he did not, in this particular instance, conceive that their objections ought to be considered as valid.

The clause was rejected. On the next clause, that papists should deny the infallibility of the pope, and absolution by priests, Mr. William Smith thought that certain words, expressing that declaration, might be left out, because he believed that very few papists did consider that as any particular part of their creed; neither were they so blind or ignorant as to trust the forgiveness of sins to the absolution of their priests. Mr. Pitt answered, that perhaps other words than those introduced in the bill might be adopted; but still he thought there should be some clause in the bill, which went the length of exacting from the papists an avowal that no priest, or human person whatever, could absolve sins committed. Mr. Smith proposed that the clause might be altered to answer the purpose, by inserting the words "except original sin."

Mr. Fox thought, that in this case the Roman catholics, or papists, as they were called, were not altogether treated fairly. The question had been argued, as if the papists had acknowledged and avowed all the ridiculous and absurd doctrines which were laid to their charge, without ever consulting them upon their confession; and this confession had never been made on their part. In this light he must contend, that calumnies were thrown out against them, which they had not deserved, and which, if the clause remained in its present state, they must still lie under. When an honourable gentleman had mentioned original sin, the observation had been treated lightly; and more so, in his opinion, than it ought to have been. In our own established church, there seemed to be some acknowledgment of, and preventive against original sin, as well as amongst the Roman catholics; one instance he would mention, which was the idea of baptism. He might not be so orthodox, or so well informed in those matters, as some other gentlemen; but on that point of absolution and forgiveness of sin, he considered an English clergyman to be just the same as a cardinal of Rome. The oath he wished to be as simple and explicit as possible, and thereby the least in danger of being evaded or misunderstood; but, as including in it a religious or a political test, he could not approve of it, having often expressed his opinion to be directly against all tests, either political or religious. He observed, that however some gentlemen might chuse to entertain an idea that it was all one to Roman catholics what oath was prescribed, because they supposed a mental reservation, he indulged no such supposition of any sect whatever; and many great countries must have suffered from such a consequence, had it existed, long before this time. He certainly had a mental reservation upon this bill, and was not ashamed to own it, because he knew it would not go as far as it ought to do; and until another bill was brought in to go much farther, he could not be satisfied that justice was done either to the Roman catholics, or many other dissenters from the established church, whom he thought deserving, from their conduct, of the countenance of the legislature. To this bill he agreed, in hopes that a better and more extensive one, upon the principle of toleration, would soon be brought forward; if it was not, he should attempt something of that kind, though he sincerely wished it might come from a quarter of the House whence greater success might be expected to attend it.

On the 20th of April the bill was read a third time and passed.

Bank Dividends Bill.

March 15.

TO defray the expences of the late armament, Mr. Pitt proposed various temporary taxes, which would discharge the incumbrance in four years, with the assistance of 500,000l, which he had it in contemplation to take from the unclaimed dividends laying in the bank of England, the amount of which he estimated at 650,000l. Accordingly, on the 25th of February he obtained leave to bring in a bill "for applying to the public service the sum of 500,000l. out of the balance remaining in the bank of England from sums issued for the payment of dividends, on account of the national debt, and for securing the punctual payment of any arrears of dividends, whenever the same shall be demanded." The bill excited alarm in all the great chartered companies, and in the commercial and mercantile world in general. It was powerfully opposed in the House by Mr. Fox, Mr. Burke, Mr. Windham, Mr. Thornton, Mr. Grey, and Mr. Whitbread, jun. who had recently taken his seat for the town of Bedford. On the 15th of March, upon the motion for the second reading of the bill, a petition from the governor and company of the bank of England, was presented against it. The bill was then read a second time, and on the motion, that it be committed,

Mr. Fox observed, that notwithstanding the variety of remarks which had proceeded from those who had so strenuously contended in favour of the bill, he must take the liberty to declare that, in his opinion, not one single argument had established, even in the smallest degree, the propriety of its object. A petition against it had just been presented from the bank proprietors, and no doubt could be entertained of the weight which ought to be allowed to their opposition; but for his own part, his disapprobation extended not merely to the contents, but to the principle of the bill, and this disapprobation he would certainly take occasion to express, whenever the principle should be the subject of debate. Upon the present occasion, he was of opinion, that the debate should be adjourned, till the contents of the petition against the bill, which had now been read, should fall under a complete investigation. For his own part, he had now, for the first time, heard the petition read, and doubted not that there were many gentlemen in the same predicament. Previously strangers to the contents of the petition, it could not be ex-

pected that they should have become masters of them, or be enabled to pay them the regard to which they were entitled from a first cursory hearing. And surely, the solemnity which ought to be observed in a point of such importance, required that previously to the debate, the contents of the petition should be fully known and examined, that they might be allowed their proper weight and influence, in regulating the opinion, and guiding the decision, which should be adopted. In opposing the bill, the authority of the bank was great; his own was less than nothing; and therefore, when moving for an adjournment of the debate, he must be considered as principally acting from a respectful deference for the opinions of so important a body.

Mr. Pitt having contended that no delay was necessary, remarked, that the petition contained nothing which to him appeared of any weight, and whatever regard was due to the authority of the petitioners, it was to be measured only by the nature of the arguments upon which they had founded their petition. The right honourable gentleman had disclaimed his own authority in any opposition which he might give to the bill, but no one would doubt his abilities to state the grounds upon which he opposed it: and as his mind was so decidedly made up on the subject, he was certainly prepared without farther delay, to pursue the debate on that side of the question which he espoused.

Mr. Fox repeated that his own objections to the bill were insurmountable, and that even if the proprietors had consented to the measure, his opposition, though it might have been diminished, would not have been removed. He wished not for an adjournment on his own account, nor should he find any difficulty at present in putting a direct negative on the bill. The right honourable gentleman had expressed himself impatient to prove to the House, that the allegations against the bill were ill founded. If this were really the case, it was strange that his impatience should not have had its proper operation, and produced its natural effects. It was extraordinary that, instead of the mode of proceeding which he had adopted in the conduct of the business, he should not have set out with stating the grounds upon which he founded his bill. He doubted not, indeed, that he might be impatient to urge his case; but he could not see that it was therefore proper for the House, in a question of such importance, to be impatient to decide between him and the bank. Great as his authority was, it was certainly, on the present subject, not to be put in competition with the authority of the bank. The form of the petition was indeed singular: it had exceeded the usual length of petitions, as instead of having recourse to

counsel, the petitioners had interwoven their arguments in the body of the petition itself. But this form, though less common, was not less respectful to the House: nor was the petition on this account less entitled to the attentive consideration and serious regard which the high importance of the subject demanded. When the principle of the bill should come to be debated, he should certainly state the grounds on which he founded his opposition, nor did his present motion for an adjournment at all proceed from any desire to make up his mind on the subject, but merely from the regard which he considered as due to the petition of so respectable a body. The bringer-in of the bill had, indeed, shewn himself aware of the propriety of adjournment, by his attempt to evade the force of the argument. He had supposed that those who disapproved of the bill, might be prepared without farther delay to state the grounds of their opposition. But he would ask any gentleman, from the manner in which he had been struck with the first cursory hearing of the petition, whether the arguments appeared to be such as he ought to regard, whether they were such as ought, at the first view, to be decided upon, or were entitled to closer examination and more deliberate inquiry? Such were the considerations which induced him to move, "That the debate be adjourned till this day sevennight.

Upon this motion the House, after a short debate, divided.

	Tellers.			*Tellers.*	
YEAS	Mr. Grey Mr. M. A. Taylor	82.	NOES	Colonel Phipps Mr. Rose	179.

So it passed in the negative. The debate on the question, That the bill be committed, being then resumed,

Mr. Fox rose and observed, that notwithstanding it appeared to be the general sense of the House that the unclaimed dividends were not the object of the bill which he designed to oppose, but that five hundred thousand pounds of the floating balance, out of seven hundred, which were stated to be in the bank, were to be taken from thence by government, and appropriated; yet certainly it was understood, and it did not appear from any expressions in the motion that was made by the chancellor of the exchequer for leave to bring in the bill, that he himself understood any thing else than the unclaimed dividends; he should, however proceed upon the object of the bill, as it was now explained.

His objections to the principle of the bill he divided into two heads. First, it was utterly subversive of public credit, upon which the importance and prosperity of this country

materially depended. Secondly, it was a direct invasion of the property of the bank, which had an usufructuary right to this floating balance. He would begin with this latter point, because its prior discussion would more easily lead into the examination of the former position. All property, however acquired, provided the acquisition was legal, whether by industry or by trade, was equally entitled to the protection of the laws; and as banking was a trade acknowledged and authorised by law, so the profits of a banker were entitled to the same protection with every other species of property. But the bank of England was, with respect to the floating balance, to be considered in no other light than that of a private banker, who is a trustee to the owner for the money which is deposited with him, and accountable to that owner whenever he is called upon by him: the trust is the same in both cases; the election is the same; the same kind of security attaches; the same duties, the same advantages result from the connection; and certainly it could not be denied, but that the case of the bank of England, with respect to its customers, which the public creditors were, who did not call for their dividends immediately as they became due, was substantially the same with that of a private banker with respect to his customers, who left money in his shop. It was substantially the same, although, indeed, some little difference occurred in the form of drawing the money out in the one case and in the other; for in the case of the bank of England, there was a power of attorney necessary, which was not required in the other case; but surely, this made no difference as to the substance of the thing. A gentleman living in the country has a dividend of 100l. paid into the bank, he does not want the money, he will not be at the expence of going up to town to receive it, or he has no occasion to use it if he did; he waits, then, till the occasion arises: will any one be absurd enough to suppose, or mad enough to contend, that in all this interval, the bank of England is not, to all intents and purposes, as his private banker; that it has not the same advantages with his private banker, and the same usufructuary property in the money so committed to its care?

The floating balance, which was about to be seized upon, was precisely that which he now put for the sake of argument. The dividends unclaimed for any long series of years were scarcely any; those unclaimed for twenty five or thirty years were very trifling: and the floating balance was money, the claims of which were of a date so recent, that it was fully proved it was left there voluntarily, until occasions should arise to the owner of it for its use. This being the case, what does this bill do? It violently seizes, and converts

to public use, money which is as distinct from all public claim, as the money lodged at the house of Mr. Drummond, or any other banking-house in London. It says, "your customers, A, B, and C, have lodged with you 700,000l., we will take 500,000l. of it, and apply it as we think fit; it is true, that we have no letter of attorney, no order from A, B, and C, for what we do; those gentlemen we have no connection with; we do not come as their friends, but we will take the money, and make use of it." Some gentlemen had chosen, during the course of the debate, to contend, that the dividends being public property, the public had a right to make use of them; but this certainly was not the fact; for the very moment that the money issued from the exchequer, it ceased to be public property, and was as much the property of individuals, as any other species of property whatever; and as it became the property of individuals, so every circumstance which attended private property immediately attached to it. Here then, also, that usufructuary right of the bank of England did most necessarily attach; for, the right of bankers to make use of the money lodged with them in the way of trade, was a circumstance attending private property which could not more easily be divested from it than any of the other circumstances and qualities that attend it. Here, then, there was no difference whether the money left in the bank was left there by way of dividend, or whether it was money which had been received from the rents of a landed estate, or from any kind of capital, and there deposited by the owners; excepting indeed, as the difference affected in a more favourable manner the money left by way of dividend, because that species of property was always deemed, and justly deemed, more sacred and inviolable than any other: all other property might be taxed; rents from land might be taxed; the profits of trade might be taxed, but the interest arising to the public creditor could not be taxed; for there was an implied contract to that effect; much less could it be violently seized on and appropriated, when it was admitted that other property less sacred, less inviolable, could not, under similar circumstances, be meddled with at all. Hence it unanswerably followed, that the government were equally entitled to take an account of all the balances in the hands of the different bankers, and to tell them, "So much is enough for you to keep in your shop, so much for you, &c. — we will take all the surplus because we want it, and we will leave you enough to go on with." The same principle would bear out government in this invasion of private property, as in the matter now before the House; and though gentlemen might think that this mode of reasoning was pushed very far,

yet he could assure them it was perfectly applicable; for there could not be a more certain proof of a bad principle, or of no principle at all, than that all the consequences which are deduced from it should not be justified, and that we should defend in some cases, and condemn in others, when there is no real difference existing between the cases.

With respect to the position that public credit would be materially injured by this proceeding, Mr. Fox argued that there was nothing so simple as to assign the cause, whether of public or private credit. Credit in general was maintained by keeping your word, and it was lost by breaking it. Now, all acts of parliament, by which money was borrowed from individuals, was simply a contract between the public and the said individuals. Supposing, for instance, that I agree to lend the public one hundred pounds, for which the public makes a reciprocal engagement that it will pay me three pounds a year; it also engages how and when it will pay me. When? As that it will pay me thirty shillings upon the 1st of January, and thirty shillings in half a year afterwards. How? As that it will issue the money to the bank, which bank shall pay it over to me. Now the annuity, the time of paying it, and the manner of paying it, are all parts of one indivisible contract; and you may, with the same right, destroy one part of a contract as another. But you will say, is your security the worse for having the money reabsorbed into the exchequer? Do you doubt our means, or our faith? To this I answer, it is not the question now whether my situation is rendered better or worse; the question is, whether you fulfil the terms of your contract? It is evident that you do not fulfil them; and therefore you have not kept your word, and your faith is violated.

Having made these remarks, Mr. Fox next contended that the terms were not only broken in general, which, upon the abstract, was a violation of a principle, whatever might be the consequence; but they were broken to the disadvantage of the public creditor. Where the bank was the paymaster, if they failed, there was the same action as against an individual; the law was clear and explicit, and the course of proceeding was defined; but where the exchequer turned paymaster, all was darkness; there was no proceeding, no course marked out by which the injured creditor could recover his right. Indeed, this was so much the case, and so necessary had it appeared to the legislature of this country, that it had always been a most useful part of their policy, inasmuch as to that very circumstance we were indebted for the great superiority of the public credit of Great Britain, beyond that of all neighbouring nations, to interpose the bank in all

transactions between the public and individuals; and if the fact was what he had a right to assume it was, that this interposition of the bank had been the means of obtaining money upon easier terms than could have been otherwise obtained, the taking away this interposition, or even altering or modifying it, was a direct and palpable violation of the public faith; and it was a fraud of the basest complexion to receive an advantage for an equivalent which was not maintained, while the advantage was still enjoyed. Some questions had been proposed to counsel, upon the subject of the bank being security to the public creditors for the money, after it had been issued from the exchequer for the payment of dividends. Four counsel, of the greatest eminence in their profession, had given most decidedly their opinions, that the bank was a security under these circumstances. The solicitor general, indeed, declined giving any opinion on the subject, on account of the situation in which he then stood. But one gentleman, Mr. Wood, upon whose abilities or knowledge he did not mean to cast the slightest imputation, did give it as his opinion, that the bank was not a security for monies so issued. Mr. Wood, doubtless, had not considered sufficiently the several acts by which the money was directed to be paid to the bank. Certainly, if the bank was not security, these acts required a most speedy revision. For, who was the security? If the bank was not, it was the cashier of the bank. So that upon the conduct of one individual, the integrity of the public faith, the security of all the public creditors, the dignity, the importance, the very existence of the state, depended, according to this opinion. But surely, this was not the case upon any ground of reasoning. Did not the bank appoint its own cashiers; and was it not therefore responsible for the acts of its servant, whom it had itself invested with this trust? So that although the money is, indeed, directed to be paid to the cashier, which seems to have been the ground of Mr. Wood's opinion, yet it is only so directed for form, and the bank is the substantial security to the public creditor, and not the individual whom it may choose to appoint its cashier. Now, these acts which direct the money to be paid to the bank of England, the policy of which is not to be doubted, and the moral propriety of which has the obligation of a contract, are about to be completely overturned by the bill which is before the House. These acts say, you shall so pay the money of the public creditors: this bill says, you shall take it away again.

Passing from these observations, Mr. Fox thus put the case of a contract between A and B. A wishes to borrow a hundred pounds of B. B says he will lend him the money,

provided he will repay it by instalments. But, says B, as perhaps I may not know where to find you, or it might put me to some inconvenience to look for you, you shall pay the money by instalments into Mr. Drummond's shop. A consents to pay the money by instalments into Mr. Drummond's shop; and Mr. Drummond, who is now another party to the contract, agrees to receive it. After this, A changes his mind, and pays the money into the house of Child: will any body say that he has fulfilled his contract? The security of Child is, perhaps, as good as Drummond's, but if B does not consent that the security should be shifted, will any one contend that if Child should fail, A will have performed his contract, though he should have paid all the money to Child for the use of B? Now, what are we about? Are we not precisely putting ourselves in the situation of A, who has paid the money of B, without B's consent, into the house of Child, and shifted his security, and broken his contract? And though it may be asserted, that persons having property in the bank may demand it before we shift their security, by placing it in the exchequer, yet this statement is not correct; for the property of many persons is locked up in trust; some are minors, some are in the West and some are in the East Indies. We shall, therefore, have committed the injury in some cases where no consent can be given; and, in others, before the parties will have been able virtually to consent; for, a virtual consent is all that is contended for.

Mr. Fox declared, that he did not entertain the most distant idea of taxing the right honourable the chancellor of the exchequer with a design to confound the unclaimed dividends with the floating balance of the bank; this, however, he would say, that his confusion had been of the greatest service to the minister in the prosecution of this measure; for, had the public been specifically apprized of this robbery of the bank, the alarm would have been taken, and the bill would not have been ripened to the present stage of maturity. The idea, indeed, of the public demand on the unclaimed dividends, was an idea founded in ignorance; for there was no such thing as any property in this country without a claimant; and in default of any relations of the deceased owners, all property was vested in the king. Not that he should contend that the public had not a claim upon the king, but the legal distinction should be observed, and whatever was taken by the public ought to be taken in right of the public. This measure had, therefore, hitherto proceeded upon a fallacy in the public judgement.

As to the miserable precedents adduced in favour of this measure upon a former day, they were too insignificant to

deserve a serious refutation. Upon principles of general reasoning, there could be no doubt, Mr. Fox added, but that the question was entirely with him. As precedents had been adduced, he should beg leave to trespass a little longer on the patience of the House, with some obvious remarks concerning their nature. The first precedent was the case of the bankers' debt, and this was not at all in point according to the present terms of the bill; for this was a bill concerning a floating balance, and that was specifically a bill concerning unclaimed dividends. There was also another precedent concerning annuities upon lives, where the dividends were resumed by government, and to this he should answer, that there was a very material distinction between the two cases; for, when annuities are determinable upon lives, there is always a presumption, at a certain distance of time, that the lives have expired; a presumption which never can hold good with respect to perpetual annuities. But with respect to the matter of precedents, it behoved the House most carefully to avoid any measure by which a precedent could be set to countenance injustice; and the rather, as there was something alarming in the use which was made of precedents upon this very occasion. Precedents had been stated, which might not have been quite justifiable at the time they were set, for the sake of countenancing the commission of a greater injustice; and if this were now to be a precedent, he trembled to think what were the enormities, each greater than the other, provided the subject matter had some little analogy, which might not be indulged with a favourable reception under the dangerous cloak of precedent. As to what had been asserted concerning persons who held pecuniary trusts under government, and whose balances were taken out of their hands, and vested elsewhere, as in the case of the balances taken out of the hands of the paymaster general, treasurer of the navy, and others, he denied that there was the smallest analogy by which the House could determine the propriety of taking away the floating balance from the bank. The paymaster general, and others, were no parties to any contract between the public and those persons whom they paid on the account of the public. The officers of the army, or of the navy, certainly had made no contract with the executors of Lord Holland or of Mr. Rigby. If these balances were taken out of the hands of the executors of Lord Holland or of Mr. Rigby, how were they affected? or in what manner could they be said to be parties to such a transaction? The complete futility, therefore, of such an argument, rendered it undeserving of consideration.

In summing up the various arguments of his speech, Mr.

Fox contended, that if we admitted the bank to be trustees to the public creditors for the payment which had been issued from the exchequer, a fact which could not be denied *in toto;* or if we admitted that the bank were trustees only to minors, to foreigners, to persons at so great a distance as not to be able to exercise any act by which their consent to the transaction could be implied, we should still be impressed with a sense of the injustice of the bill now before the House. This was not a case where a majority of public creditors were to decide, and to bind the minority by such a decision. The contract of the public creditors with the public was the contract of every individual of them, and not a general contract; and though, supposing the public creditors were in number twenty-nine thousand, and twenty-eight thousand nine hundred and ninety-nine of those were to give their consent to this alteration of the terms of the contract, yet was not the single one concluded by their decisions, and he had a right to insist upon a specific execution of those terms upon which alone he had entered into the engagement.

But, gracious Heaven! added Mr. Fox, when we consider the sacrifice which is to be made; when we reflect that a general principle must be violated; that the faith of the public must be impeached, and the credit of the nation hazarded; and when we contrast all this with the advantage which is to be gained, that a pitiful saving of 20,000l. is to be effected, and this in a time of great prosperity, when peace has added to our resources, and an abundant and springing capital would supply without difficulty, without imputation, without reproach, what our exigency requires, shall we not be surprised at such a pertinacious adherence to this measure? The pride of the individual will sometimes engage him in a fatal obstinacy; but let not this House be infected by such a narrow principle, and let it depart from its conduct when it must be convinced of the injustice and impolicy of that conduct. It was not without much indignation, that he felt himself warranted in remarking that, upon all occasions, when rights were invaded, a cringing and a fawning policy was substituted for a manly behaviour. Application was to be made to the minister, his forbearance was to be solicited, the justice of the House was not to be appealed to; yet, for his own part, he could sincerely affirm, that he disdained to be influenced by any of these considerations, when they were not urged with unexceptionable propriety. It was his inflexible determination to persevere in the most zealous and unbiassed endeavours to fulfil his parliamentary and political duties; and he anxiously hoped, that not only upon the present, but upon all other occasions, the House

would be actuated by the same sentiments, and govern their proceedings accordingly.

The House divided on the motion, that the bill be committed. Yeas 191: Noes 83. The bill was ordered to be committed on the 22d instant.

March 22.

The order of the day being read for going into a committee on the bill, the question of adjournment was moved by Sir Benjamin Hammet. This gave rise to another debate, in the course of which Mr. Rose having contended, that the exchequer could legally call for the arrears on dividends on the public funds vested in the bank of England,

Mr. Fox said, that he must take the liberty to advert to the assertion of the honourable gentleman who spoke last but one, that the exchequer possessed a right to call for these sums from the bank. It had been stated that no person would venture to deny that right; now, he, for one, was bold enough to deny that any such legal right existed any where; and though this might not be the time to enter upon that question, still he would challenge the honourable gentleman to discuss it, and that at some early period: being anxious, now that new ground was started, to have it fully argued and settled, that the path might be known in which they were to tread, before they gave any final decision upon the bill before them. On this occasion, he trusted that the crown lawyers would also come forward, and avow that right which the exchequer was said to possess; and he was the more anxious to hear them enter into the defence of so strange a principle, because he would undertake, however slight his pretensions might be to a decisive investigation of law questions, to overset this doctrine, as often as any attempts should be made for its establishment.

The House divided on Sir Benjamin Hammet's motion of adjournment. Yeas 54: Noes 155. Soon afterwards,

Mr. Fox rose again and observed, that the word "account" in the preamble, required, in his opinion, some explanation, because it had been argued, and would be argued after what had passed that night, on different meanings, just as it suited those who used it for the time. That the bank were to account to the exchequer for their management of, and transactions with, the public money, he could easily understand,

agreeably to the state of accounts which they from time to time gave in; but that the bank was to account by paying into the exchequer the balances which might be on their accounts whenever the exchequer ordered it, was quite a different point; and at any rate, before an act of parliament was made, it became necessary that the wording of it should be clearly and explicitly understood, and until it was so by the House, he thought no gentleman could give a vote upon the subject. He should have conceived that the preamble would have run much better in this manner: "Whereas the bank having paid into the exchequer," and so on; because it was proper to be in possession of the money before you can use it; get the money first, and then enact how it is to be appropriated. The bank had the sole right to the custody of the money; whatever was their profit, he considered it to be of no consequence to the question of right; and the contrary doctrine, which had been started that night, he averred to be unjust, impolitic, and unfounded, on any principle of law, reason, or common sense. An honourable gentleman, (Mr. Yorke,) who had reproached him with being an enemy to the lawyers, had done him a most unmerited injustice; but however much he respected any profession, he never could forget his duty to his country and his regard for justice. In the opinions which he had adopted on this business, he went with almost all the eminent men of the profession who had been consulted. One name only he had heard mentioned, who gave a different opinion, which perhaps might be unexceptionable; but he must beg leave to observe, that to him it was unintelligible. He thought, that as the preamble set forth what was to be the spirit of the bill, a necessity existed for perfectly understanding it previously to any investigating debate concerning the nature of the clauses.

Mr. Pitt said, that with regard to the bank accounting to the exchequer, it was not meant to pay any respect to their personal interests, nor, till to-night, did he ever imagine that this particular point could have produced such strong words as had been used in argument. The money, when it was claimed by the bank from the exchequer, when emergencies required it, was to be paid by imprest, and as little time lost as possible. He then stated a supposition, that if the national debt, two hundred years ago, had been ten millions, and had been paid off in one hundred and fifty years, and that there now remained a sum of money unclaimed in the bank, it might, upon this ground, be contended, that an exchequer process would reach it, and get the money from the bank. As to the cash balances upon the accounts of paymasters, and other officers of government, they had often been called upon to pay in

those balances, by exchequer process, even before their accounts had been settled.

Mr. Fox observed, that he felt it necessary to assure the right honourable gentleman in particular, and the House in general, that it was his wish and determined resolution to have this question of legal right fully discussed and probed to the bottom; and he not only considered it his duty, but was happy to declare his decided opinion against what had been remarked. He believed that the right honourable gentleman's opinion on that particular question, was the same as his; and he insisted that it became him to state it in the same fair and open manner to the House, that gentlemen might be able to judge properly on the relative situations of the parties interested. The right honourable gentleman had eluded, with a particular degree of caution, entering into a discussion of most of those points which had been stated in opposition to him, both during the present evening, and in every other stage of the debate. He thought that the proprietors of unreceived dividends and all stockholders, were equally interested and equally entitled to information and justice; and that the meaning of the preamble was an essential part of the bill, and required to be fully and unequivocally explained. If, however, that conduct of evasion, by eluding every enquiry, was to be continued, he must give it no other name than scandalous dealing with the public. He meant, as far as he could, not to go over what had been agitated in former debates: but this point of right of taking money from the bank by exchequer process, he thought very material and important, and he conceived that it ought to be clearly known, whether the public creditors' property in the bank, on their security, was or was not, by law, in the situation which the right honourable gentleman stated, liable to be removed by exchequer process. As to the right honourable gentleman's supposition about the national debt amounting to ten millions, two hundred years ago, and being paid off in one hundred and fifty years, leaving a balance in the bank, he should not hesitate a moment to contradict the right honourable gentleman's assertion that it could be taken by exchequer process; the case appeared widely different; there certainly was some person who had a just title to this sum; and, after every reasonable time and method was tried in vain to find the proper heir, then the law had wisely presumed that there must be an heir for every thing inheritable, and when that heir could not be found, had appointed the king as heir. Upon the question, how the public had afterwards any claim upon the use of the money,

he should remain silent. It should be considered that these were perpetual, and not life annuities; neither could they be affected in any way by prescription. The case of paymasters was no ways in point or applicable; they had no title either to the custody or the use of balances on their accounts; and certainly an exchequer process might be issued against them, at any time before payment of balances; but even then, it was usual to have the effect of that process delayed, until their accounts were settled. But they were merely agents, and not trustees for any person, or in any shape; and if such a power can exist as that contended for by the right honourable gentleman, let it be tried before a proper tribunal; let the exchequer assert its right, and if either judgment or justice appear in the proceedings, then it may become a question for the legislature to interfere in. For his part, he was anxious to see those curious provisions in the bill which were to clear up all the mystery and fallacy set forth in the preamble. Let him see them, and he and many others would readily confess that they had been in the wrong, though he knew that he was in no danger of altering his mind, because he also knew that there were none such to produce.

Mr. Pitt explained what he had formerly said concerning floating balances in the bank, and argued that the three months allowed by the bill was a sufficient time to get the consent of the public creditors.

Mr. Fox maintained that the right to the custody of these sums was with the bank alone, till claimed by the legal proprietors; and that the bank, in the mean time, had the same title to the usufruct of that money, which they had to any other cash in their hands. It was a mere sham consent, and nothing else, which the right honourable gentleman imagined that he had obtained; for Mr. Fox insisted that all stockholders, and those who might be stockholders, must give that consent, which could be called a general and proper consent. A man might be very well satisfied with government security just now, but he might not be so for ever, nor even very soon, if circumstances altered as they might do. When his money was in the bank, he could change the security as often as he liked; but not so when once government had taken it. He painted in a variety of lights the various inconveniences and hardships attending this measure, and dreaded the consequences as not less destructive from the avowed popularity which some had given it, not, perhaps, thinking that the real cause for this attack upon public credit might sooner or later be perfectly understood.

The preamble was then postponed, and the committee went through the bill.

March 25.

A petition against the bill, from several proprietors in the public funds, having been presented by Sir Benjamin Hammet, Mr. Pitt observed, that as a long previous notice had been already given, he trusted that the petition could afford no pretext for delaying the report of the bill. It had been appointed for the preceding day, and he should certainly consider himself as authorized to move that it should be received immediately. In his opinion, there was an irregularity in the mode in which the petitioners had desired to be heard by counsel, as they had not come forward until this late stage of the bill.

Mr. Fox, on the contrary, contended that the conduct of the petitioners was not irregular; as they might, perhaps, have counsel ready to be heard on the report. It would be recollected that this business was intended to have come on upon a former day, and had been unavoidably postponed; a circumstance of which they could not have been aware. He did not think himself possessed of sufficient weight to attempt now to oppose the report. But surely, if there was any business which ought to be conducted with caution, or in which full time ought to be allowed, it was upon an occasion like this, in which the public credit was interested. The petition was almost unprecedented with respect to its nature, and the quarter from whence it issued. It had not, he believed, happened, since the accession of the family of Brunswick, that a petition had been presented from the bank to the House of Commons against any measure with regard to money matters. In such an event, therefore, the fullest investigation, the most serious deliberation, was necessary. A petition had now been presented, signed by the most respectable names, with regard to extent of property, which had ever perhaps appeared in any civilized nation. He was not one of those whom a regard to property could influence in the extreme, neither did he feel himself inclined to allow it too much weight in the deliberations of public business. On the contrary, he thought, that in debates in that House, it was too frequently referred to, and too much stress laid upon it. But, if there was any occasion on which regard was due to property, it was the present. If there was any property deemed sacred, it was that which was vested in the funds; and any petition, proceeding from this quarter, ought to demand the most deliberate attention, and excite the most serious regard.

On the report of the bill being brought up, Mr. Chiswell moved, that the following clause be added to the bill, "That the proprietors of the annuities and dividends who shall not before the 1st day of June, 1791, signify their dissent to the paying into the exchequer the 500,000*l.* in books to be opened at the bank of England, shall be deemed to assent thereto; but that in case a number of proprietors shall signify their dissent, then the money shall not be paid."

Mr. Fox observed, that he felt ample reason to approve of the clause which had been brought up, and should feel a greater pleasure if it were adopted. He adverted to what an honourable gentleman had said concerning the consent which had been, or could be, obtained to this measure, and that this was a consent by inference, or rather a supposed consent. He allowed that there might be a consent by inference, or a virtual consent, such as that given to taxation, which the people gave virtually, because they, the House of Commons, whom the people had chosen as their representatives, had agreed to it; but this was very different, indeed, from the consent which the honourable gentleman had talked of. All that was asked by the honourable member who moved the clause, was, that persons who were interested might have an opportunity of giving their dissent, which was certainly fair. He had, on a former occasion, contended, and still should he persist in contending, that not only the present proprietors of unclaimed dividends, but all stockholders, must give their consent before it was a proper consent; because all stockholders may, at some future period, have unclaimed dividends. Many respectable proprietors had already given their dissent, as appeared by the petition from the bank proprietors, and that now upon the table, signed by such men as, in point of wealth, gave it more weight than, perhaps, any petition which had ever been presented in any part of the world. He in general was not one of those who argued that the importance of a measure depended upon the rank or wealth of those interested in it; but surely, on a subject which was so materially connected with the property of the country, and the security of the public creditor, he must contend that very great attention and respect was due to the names, characters, and situations of such men as the petitioners. As to the Bank of England, on all emergencies the nation and they had acted together for a long time back, and he was sorry that he was led to remark, upon the present occasion, that this was the first time, since the accession of the Brunswick family to the throne, that the Bank of England had found it necessary to make any application to parliament against a measure, which, as far as the national faith and public credit were concerned, was in the

opinion not only of the petitioners, but of all the monied interest within the kingdom, so pregnant with the most alarming danger. As to the virtual consent mentioned by the honourable gentleman, it seemed to be founded on the dissent which had been given, and would still be given, if time were allowed. Mr. Fox appealed to the good sense and information of the House, whether, in the present situation of affairs, and after the great and general alarm which this measure had occasioned, it ought not to induce the majority of the House to wish, at any rate, for more time before they allowed the bill to pass? It never had received the consent of any party interested in its operation; on the contrary, it was forced upon them all against their will, and was in its nature as unjust as in its consequences it was destructive.

The clause was rejected on a division by 136 against 45. The bill was ordered to be read a third time on the 29th. It was, however, proceeded with no farther; Mr. Pitt having consented, by way of compromise, to accept of a loan of 500,000*l.* from the bank without interest, so long as a floating balance to that amount should remain in the hands of the cashier.

KING'S MESSAGE RESPECTING THE WAR BETWEEN RUSSIA AND THE PORTE.

March 29.

ABOUT this time a very important subject of foreign politics occupied the attention of parliament. At the congress of Reichenbach, the defensive alliance had proposed to Russia to accede to the peace which Austria was concluding, and that all conquests should be restored; but Catharine constantly replied, that she would admit of no interference between her and the Turks. Deprived, however, of the assistance of Austria, in the strength and determination of the allies she saw the impracticability of subjugating Turkey for the present, and now offered to restore all her acquisitions by the war, except the town and dependencies of Oczacow. This possession, she conceived, would on the one hand secure her dominions against the irruptions of the Tartars, and on the other command an entrance into Turkey, whenever circumstances should prove more favourable to the execution of her ambitious designs. The allied powers deemed the objects of Catharine incompatible with that tranquillity which it was the purpose of the

confederacy to ensure. There was, besides, an unfriendly disposition long manifested by Russia towards Great Britain. During our difficulties, she had headed a confederation for the express purpose of reducing the naval power of this country. When the commercial treaty between England and Russia was expired, Catharine not only declined renewal, but obliged our merchants to pay in duties twenty-five per cent. more than she exacted from other countries, though they gave half a year's credit for their exports, and were always a whole year in advance for their imports. At the same time she concluded commercial treaties with France and Spain, on terms that were advantageous to both these countries. Such indications of enmity to this country, joined to her ambitious projects, impelled the British government to prevent the encroachments of the empress's court. Britain and her allies still adhered to their purpose, of inducing or compelling Catharine to restore the conquest. Finding pacific negociations unavailing, the defensive alliance projected more effectual interference. Accordingly, having concerted forcible mediation for the security of Europe, his majesty, on the 28th of March, sent the following message to both Houses:

"G. R.

"His majesty thinks it necessary to acquaint the House of Commons, that the endeavours which his majesty has used, in conjunction with his allies, to effect a pacification between Russia and the Porte, having hitherto been unsuccessful, and the consequences which may arise from the farther progress of the war, being highly important to the interests of his majesty and his allies, and to those of Europe in general, his majesty judges it requisite, in order to add weight to his representations, to make some farther augmentation of his naval force; and his majesty relies on the zeal and affection of the House of Commons, that they will be ready to make good such additional expences as may be incurred by these preparations, for the purpose of supporting the interests of his majesty's kingdom, and of contributing to the restoration of general tranquillity on a secure and lasting foundation."

On the following day, Mr. Pitt moved an address to his majesty in the usual form. He supported the measure which was the object of the address, upon the ground, that we had a direct and important interest in the war between Russia and the Porte; and that as our endeavours to effect a pacification had hitherto proved unsuccessful, we were under the necessity of arming, in order to give greater weight to our representations. He conceived, that having entered into defensive alliances, which were admitted to be wise and politic, we ought to adhere to them, and, if possible, to prevent any changes in the general state of affairs, which might render them nugatory. Prussia was our ally; any event, therefore, which might affect that power, and diminish its influence on the continent, would be injurious to ourselves, as far as our mutual interests were united. The progress of the Russian arms against the Porte, gave sufficient cause for alarm; for should success still attend them; and the power of the Porte be farther humbled by its aspiring rival, Prussia would instantly feel it; and not Prussia

alone, but all Europe itself, which might prove in danger of being shaken to its very foundation. The address having been opposed by Mr. Coke of Norfolk, Lord Wycombe, Mr. Lambton, Mr. Martin, and Mr. Vyner, Mr. Steele rose in support of it, and in the course of his speech observed, that there were gentlemen whose constant practice it was to oppose all the measures of government, and that it was therefore naturally to be expected that they would oppose the present.

Mr. Fox declared, that no person had perhaps ever shewn a more complete forgetfulness, or disregard of facts, than the honourable gentleman who spoke last, in his illiberal charge against him, and the friends with whom he had the honour to act. Had the honourable gentleman intimated merely in general terms, that they opposed all the measures of government, it would have been a gross aspersion; for the House would recollect, and the honourable gentleman could not well have forgotten, that this was the third armament within a few years, and he could appeal to every gentleman who heard him, whether he had opposed either of the former two, nay, whether he had not given them his cordial support. We had armed in 1787, to prevent Holland from falling, by means of a party, into the hands of France. The event had been decided before the parliament met; but when parliament did meet, had he censured the measure or the object of it? had he not frequently gone rather out of his way, to express his approbation of both? We had armed again, in the course of the preceding year, to obtain satisfaction for an injury done to British subjects, and for an insult offered to the British flag. Would the honourable gentleman say, that he, or his friends, had not cordially concurred in the principle on which that armament was undertaken, although they had desired to know whether proper steps had been taken to prevent the necessity of it, and expressed their dissatisfaction with the convention to which it led? This was not all: there were other objects connected with the armament, on account of Holland; an alliance with Prussia, and a subsidiary treaty with Hesse Cassel. Had they disapproved of either of these? The honourable gentleman had said that they would oppose the present measure, because they knew that, after the House had been prevented from enquiring into the grounds of last year's armament, on the plea of confidence in ministers pending a negociation, and afterwards into the merits of the convention, on the plea of confidence after the negociation was concluded, it could only be approved by those who thought proper to repose a blind confidence in ministers, or were led to approve by the partiality of official connection.

His surprise at the present measure, if possible, exceeded his disapprobation. When he heard that things were proceeding to the extremity at which they had arrived, he had lent an unbelieving ear, and contended that such folly, such madness, was impossible. With such measures confidence could have nothing to do. Confidence in ministers was, indeed, necessary on many occasions; and for that sort of confidence, whether in office or out, he had always been an advocate; but even that necessary confidence was only a necessary evil, and ought, therefore, to be always the least that the nature of things would admit. No such confidence as was now solicited had been asked for in the case of Spain. The injury to be redressed and the insult to be vindicated, were fairly stated on that occasion; but, on the present, they had not come at all to the point. To admit simply, that the king, by the advice of his ministers, had ordered an armament, and that the House must pay the expence, was not in all the gradations of rational confidence; and the House of Commons which entertained the proposition betrayed its duty, and insulted its constituents.

The right honourable gentleman who moved the address, had enveloped himself in mystery and importance, but had explained nothing. His speech resembled the specimen of the paragraph writer in the play about Russia, Prussia, Turkey, and what not, of which the person to whom it was shewn pronounced that it was well done, for it was finely confused, and very alarming. The right honourable gentleman's speech was, indeed, finely confused, but alarming only in point of expence. When gentlemen talked of the balance of power as a reason for arming, they ought to shew how it was endangered. When they called for supplies to prevent the aggrandisement of Russia, new as it was to a British House of Commons to hear the greatness of Russia represented as an object of dread, they ought to state whom she meant to attack. Was it Prussia against whom her arms were to be directed? She had made no attempt as yet, and if it was known that an attack was meditated, it ought to be fairly laid before the House. Were the King of Prussia to be attacked, he should feel himself as much bound to support him, as if he had himself concluded the defensive treaty; but not one syllable had been uttered concerning the probability of any such attack, and therefore he must presume that none was apprehended.

He would state what the former policy of this country, with respect to Russia, had been, with a view of comparing it with the present. Twenty years ago, when war commenced between Russia and the Porte, we aided her in sending a fleet into the Mediterranean, and this support of ours gave

her the first opportunity of appearing as a naval power in that part of the globe, and of obtaining an establishment on the Black Sea. It was evident that we felt no jealousy of her aggrandisement at that period. Towards the conclusion of 1782 the empress having previously complained that her possessions in the Cuban and the Crimea were not sufficiently secure, took them, by a sort of royal syllogism, entirely into her own hands. His majesty's ministers, on that occasion, of whom he had the honour to be one, did not think it necessary to support Turkey against this assumption. France and Spain were both alarmed, and proposed to this country to join in opposing it. The same ministers told them explicitly, that they would not accede to any measure of such a nature. They gave up the point, and the Crimea was formally ceded to Russia by treaty.

Such had been our former conduct towards Russia. What had it been lately? He spoke from a very general opinion, although not from direct authority, in saying, that when we renewed our continental connections, in 1787, Russia was attacked by the Porte, at the instigation of Great Britain and Prussia. Now it was said we were bound to see peace restored, without the aggrandisement of Russia, when, if this story was true, we had been the instigators of the war. If we were not the instigators, why did we not prevent it if we thought that we had any concern in its issue? Would Sir Robert Ainslie, then our ambassador at Constantinople, say, that he had been instructed, either with or without the co-operation of the Prussian minister, to divert the Porte from attacking Russia? After the war began, we employed our mediation, and in all his majesty's speeches to parliament, he regretted the continuance of the war, on principles of humanity; but always added to his expressions of regret, a political assurance that no danger was to be apprehended from it to us. Were he, therefore, to form his opinion, that we had nothing to apprehend from the war, on the annual communications of his majesty to parliament, he should not be accused of laying a "flattering unction to his soul." What had since happened to involve us? Was the success of the empress's arms so formidable in our eyes, that we must insist on her renouncing her conquests? The dispute between her and us, he believed to be this: she offered to cede all her conquests between the Neister and the Danube, and proposed to retain only those between the Neister and the Bog; while we insisted that she should surrender all her conquests without exception. Such was the proposition which we held to Russia; while, in India, we insisted, in our own case, that Tippoo Sultan should not only make reparation for having com-

menced, as we said, a war against us, but if our arms were successful, surrender as much as we could conquer of his territories, as a sort of fine for having made an unjust attack. Was it to be conceived that any sovereign who had spirit to feel and power to resist, would not spurn with indignation at the insulting insolence of a proposition so diametrically opposite to what we claimed for ourselves? We might, indeed, domineer in the insolence of a momentary power, as Lewis XIV. had done, but whether it was in the nature of circumstances, or the propensity of mankind to unite against insolence, it had never prospered long in the civilized world, and he was satisfied, never would prosper.

Our whole ground of quarrel with Russia was, therefore, the tract of country he had mentioned, unprofitable and worthless to any power, except for a single place contained in it, and this place was Oczakow. Now, had Oczakow been taken in the present year, as far as its value went, it might have been said to have produced a change of circumstances; but it was taken in 1788, and in 1789 his majesty again assured parliament, after mentioning the war as usual, that the situation of affairs was such as promised us a continuance of peace. This was an explicit declaration, of the highest possible authority, that Oczakow was not thought of such importance then as to be deemed the object of an armament, and a strong presumption that it was not the real object of the present armament. It might be said, that the former conduct of ministers towards Russia was wrong, and that the present ministers acted on another system. But was Russia obliged to know this? Was it her business to enquire what were the opinions of this lord of the treasury and that secretary of state, or to look to the general policy and conduct of the country? With what surprise must she now hear that England, who had aided her in obtaining an establishment on the Black Sea, who had enabled her first to enter the Mediterranean, and who had refused to oppose her in seizing on the Crimea, was jealous of her power? "If," she might reasonably observe, "you were afraid of my conquests, you ought to have prevented my being attacked. Conquest is the necessary consequence of war with my enemy, against whom defensive war would be ruin." Let not the House attempt to separate effects from causes, or suppose that a power attacked was not to repel attack by conquest, if the fortune of war turned in its favour. In all interferences with foreign nations, justice was the best foundation of policy, and moderation the surest pledge of peace. If there was nothing of a vindictive spirit in our conduct, the honourable gentleman who mentioned it might as well have passed it unnoticed. If there was, it applied

equally to Sweden and to Denmark, for both had acceded to the armed neutrality. It applied still more to the court of Berlin; for the late King of Prussia, it was well known, had stirred up that combination. But were the late King of Prussia now alive, would he, on that account, introduce a spirit of revenge in his policy towards him? Undoubtedly not: it was a principle on which he would never act, and as much despised in public as in private life. Whatever confidence might be claimed by ministers, none could be due where they had betrayed incapacity: and this the present Ministers had done in their continental connections; for they had not followed up their defensive system with consistency. In the negociations at Reichenbach, when they found the emperor disposed to peace, they had neglected the opportunity of engaging the empress by the same arguments which induced him to consent, and which were then in their power. They had stimulated Sweden to attack Russia; prevented Denmark from assisting her; then neglected Sweden, and tamely, or ignorantly, suffered an active enemy to be converted into an useful ally. Where was the policy of thus meddling and retracting? Of the armament against Spain, it had been said, that we ought not only to look to the south-west of America, but to the north-east of Europe. If that armament was equipped with any view to Russia, deceit and falsehood were practised on the House; but when it was equipped, it might have been supposed that men's eyes would not have been so rivetted to the south-west of America, that they could see nothing else, or that the minister would not have been put into such a flutter by his dispute with Spain, as to be able to attend to nothing else, while that continued. After it was over, to what purpose did we disarm, if we knew that we had still an occasion for an armament?

It was common to hear ministers glorying in the situation of the country, while with an arrogant affectation of modesty, they admitted that many circumstances, in particular the state of France, had contributed to that situation in which their conduct had no share. The advantages to be derived from the state of France had been always considered, by every rational man, to be those of reducing our expences, restoring our finances, and securing, for a long succession of years, the probable continuance of peace. How miserably had we been disappointed by our own folly! By the absurd pride of interfering in the affairs of every foreign state, we had involved ourselves in expence, and obtained only the hazard of war. Neither had we been successful in any one instance, except that of Holland. We had not lowered Russia; we had not raised Sweden; and, between the emperor and his

Belgic subjects, our interference had been absolutely ridiculous. The allied powers had made certain stipulations with the emperor in behalf of the provinces; and when Marshal Bender was about to enter the Netherlands with an armed force, their ministers at the Hague wrote to him, that he ought to stop till certain preliminaries were adjusted. His answer was a peremptory refusal. They then said, "You must take the consequences, and we wash our hands of the business." He disregarded the menace, and took possession of the provinces, where, as was said, the emperor had shewn a greater disposition to pardon than to punish; then, those very ministers came forward, and signed the treaty; the news was thought of sufficient importance to be dispatched by Lord Henry Fitzgerald, and we plumed ourselves on our success in that which had, in fact, been done without our concurrence. If our allies were attacked or threatened, then, indeed, the honour of the nation would be concerned to interfere. We had no alliance with Turkey, and were only called on to gratify the pride of our own ministers, and to second the ill-judged policy of Prussia. How far ministers were pledged to support that policy, he knew not; but he knew that the country was not pledged to support it; and let the House abide by what ministers had declared, and parliament sanctioned, but pay no regard to their private engagements. The conquests of Russia towards the south could never interfere with the commerce of this country, nor give any reasonable ground of alarm to the King of Prussia, whose interest it rather was, that her view should be directed to that quarter; and Oczakow could be no acquisition to Russia, but for the purposes of defence. An alliance with Russia was the most natural and the most advantageous that we could enter into; and when he himself was in office, the empress was well inclined to such an alliance; but the healing balm of all our errors, the hope that our first efforts would effect a peace, was delusive.

Mr. Burke observed, that as it might be the last time that he should ever have an opportunity of delivering his sentiments on a similar question, he could not refrain from offering a few remarks to the House. He maintained, that the attempt to bring the Turkish empire into the consideration of the balance of power in Europe was extremely new, and contrary to all former political systems. He pointed out in strong terms, the impolicy and danger of our espousing the Ottoman cause. But the question seemed not to be, Whether Russia should or should not dismember the Turkish empire? It was merely this, whether she should possess herself of Oczakow or not. When the empress consented to cede all her conquests between the Neister and the Danube, she

condescended in his idea to do more than could well be expected from one in the career of victory. He remarked, that the alliance, which we had made with Prussia and Holland, was never before supposed to have been formed for the purpose of preserving the balance of power. But what would be the consequence of our interference? We were, it appeared, to plunge ourselves into an immoderate expence, in order to bring christian nations under the yoke of savage and inhuman infidels. If we acted in this wanton manner against the Empress of Russia, might we not reasonably suppose, that her resentment would burst forth against us, when we the least expected it, when its effects would be more alarming, and when another armament would be requisite to repel her threatened vengeance?

The House divided on the address.

	Tellers.			*Tellers.*	
YEAS	Mr. Steele Mr. Neville	228.	NOES	Lord North Mr. Grey	135.

So it was resolved in the affirmative.

CORN REGULATION BILL.

April 4.

THE House went into a committee on the bill "for regulating the importation and exportation of corn, and the payment of the duty on foreign corn imported, and of the bounty on British corn exported." The clause being read which enacts, that the ports shall be opened for the importation of foreign corn, when the price of British corn shall amount to 48*s.* or upwards, Mr. Powys, Lord Sheffield, and others, contended, that if foreign corn was admitted to be imported when the price was not at 48*s.* every encouragement would be taken away from tillage. The advantages of other countries would soon put an end to our tillage, unless we had protecting prices, and 52*s.* they conceived to be the lowest which ought to be granted.

Mr. Fox maintained, that arguments from experience were to be relied on with the greatest safety, and experience warranted a high protecting price; for, from the old practice of bounties, and under the old laws, the price of wheat had decreased, until the bill of 1773, after which time it increased, and the country, instead of exporting, commenced, to a considerable degree, the injurious practice of importing corn. Those, he said, who cultivated corn, ought to know, that should they be peculiarly unfortunate in their crops, the price would rise sufficiently to indemnify them; and, by such means,

encouragement would be given to tillage, and the poor ultimately benefited by a greater plenty. The only security to the poor, he said, was by encouraging the tillage of the country, and that was alone to be done by granting bounties, or high protecting prices, which would operate as bounties. He said, the country was oppressed by tythes, the collection of which was harsh and injurious, and he anxiously wished that some gentleman in the House would attempt to relieve the country from that species of barbarism, and discouragement to every agricultural improvement. He concluded by saying, that he had no difficulty whatever in giving his vote for the prohibition of importation, until corn should be at 52*s.* per quarter.

Abolition of the Slave Trade.

April 19.

So early as the 4th of February, Mr. Wilberforce had moved for the appointment of a committee to receive and examine evidence on the propriety of abolishing the slave trade; which motion, after a short debate, was put and carried. A considerable body of evidence having been thus taken, on the 18th of April, in a committee of the whole house, Mr. Wilberforce entered into a long and minute discussion of the subject. He commenced with giving an accurate detail of the unfair manner in which slaves were obtained on the coast of Africa. He particularized many acts of the most flagrant cruelties; and exposed all the mean devices and barbarous policy of those unfeeling men who were concerned in this bloody traffic. Different tribes of Indians, he said, were encouraged to make war on each other for the sake of taking prisoners, and of thus providing the market with slaves; the administration of justice in most parts of Africa was converted into an engine of oppression; and every fraud, every violence, was practised, that low cunning and brutal ferocity could suggest. He made a variety of remarks upon their unparalleled sufferings under the horrors of the middle passage, and after their arrival at the destined soil of servitude and wretchedness. He next contended, that the abolition of the trade would not operate to the real detriment of our West India islands. He observed that, notwithstanding the barbarous treatment, which the negroes have long experienced, their numbers had not on the whole decreased, but in some islands had been lately on the increase; whence he argued, that, when the planter should be deprived of all prospect of a future market, he would be induced to pay a proper attention to the health, morals, and comfort of

his slaves, and by thus considerably augmenting not only their happiness but their numbers, would render continual supplies from Africa unnecessary. He then proceeded to consider the consequences of the abolition in another point of view, in its probable effects on the marine. The Guinea trade, instead of being a nursery for seamen, was, in his idea, their grave. It appeared from the Liverpool and Bristol muster-rolls, that in 350 slave-ships, having on board 12,263 persons, there were lost 2,645 in twelve months. All attempts to meliorate the condition of the negroes, without the total abolition of slavery, he considered as likely to prove inefficacious and unsafe. Their situation, he thought, could never be much amended by a gradual abolition, or by any laws of regulation, which the West Indian legislatures might choose to adopt. The advantages of the trade, in a commercial point of view, he deemed it almost an unbecoming condescension to discuss; but could its advocates prove (what he knew never could be proved) that it was of considerable importance to this country, either in its immediate operation, or remote effects, "still," should he exclaim, "there is a smell of blood, which all the perfumes of Arabia cannot remove." He concluded by moving, "That the chairman be instructed to bring in a bill to prevent the farther importation of slaves into the British colonies in the West Indies."— After the motion had been opposed by Colonel Tarleton and Mr. Grosvenor, and supported by Mr. Martin, Mr. Burdon, and Mr. Francis, Mr. Pitt expressed his wishes for an opportunity to deliver his sentiments fully, which he feared it was impossible to do that night; he would, therefore, with the consent of the House, move that the chairman do now leave the chair, with a view of resuming the subject on the very next day, meaning to put off the orders of that day until the day after.—Colonel Tarleton said, that it was his earnest desire to have the question settled without any delay whatever; and as the House was then extremely full, and there were many gentlemen who, to his knowledge, were going next day out of town, he should resist the motion of adjournment. Colonel Phipps said, that though he agreed with the honourable gentlemen in opposing the abolition of the slave trade, yet he could not agree in opposing the question of adjournment; for he wished to have an opportunity of declaring what were those reasons which would decide his conduct.

Mr. Fox observed, that although the opposition to any adjournment was undoubtedly uncandid and unbecoming, yet he thought that the honourable colonel who pressed for an immediate division understood better the interest of his own side of the question than the other honourable gentleman; for Mr. Fox said he had ever conceived that the only way by which the abolition of the slave trade could be prevented, must be by stifling all inquiry, and by hurrying the House into some vote, which might seem to decide the question, before the opportunity of any real debate upon the principles

of the trade was afforded. It was a trade which, the gentlemen themselves well knew, would not bear to be discussed. Let there be discussion, and although there were some symptoms of pre-determination in some gentlemen, the abolition of the abominable traffic must be carried. He would not believe that there could be found in the House of Commons, men of such hard hearts, and of such inaccessible understandings, as to vote an assent to the continuance of the trade, and then go home to their houses, their friends, and their families, satisfied with their vote, after being made fully aware of what they were doing, by having opened their ears to the discussion.

The question of adjournment was carried, and on the following day, the debate upon Mr. Wilberforce's motion was resumed. It was opposed by Sir William Young, Mr. Stanley, Mr. Cawthorne, Colonel Phipps, Mr. Alderman Watson, Major Scott, Mr. Drake, and Lord Sheffield; and supported by Mr. Montagu, Lord John Russel, Mr. William Smith, Mr. Courtenay, Lord Carysfort, Mr. Pitt, and Mr. Fox.

Mr. Fox observed, that some expressions which he had used on the preceding day, had been complained of, as too harsh and severe. He had now had four-and-twenty hours to reflect on his words; he had revolved them over and over again in his mind, but he could not prevail on himself to retract them; because the more he considered the subject in discussion, the more did he believe that if, after reading all the evidence on the table, and attending to the debate, any gentleman could continue to oppose the abolition of the slave trade, and could thus avow himself, after a full knowledge of the subject, an abettor of this shameful traffic in human flesh, it could only be from some hardness of heart, or some such difficulty of understanding as he really knew not how to account for.

Several gentlemen had considered this question, as a question of political freedom; whereas it was no such thing. No man would suspect him of being an enemy to political freedom; his sentiments were too well known to leave him subject to such a suspicion. But this was a question not of political, but of personal freedom. Political freedom was undoubtedly as great a blessing as any people under Heaven — considered collectively as a people — could pant after, or seek to possess; but political freedom, when it came to be compared with personal freedom, sank to nothing, and became no blessing at all in comparison. To confound these two, served, therefore, only to render all argument on either perplexing and unintelligible. It was personal freedom that was

now the point in question. Personal freedom must be the first object of every human being; and it was a right, of which he who deprives a fellow-creature is absolutely criminal in so depriving him, and which he who withholds, when it is in his power to restore, is no less criminal in withholding. Mr. Fox therefore declared that, though he professed great regard for an honourable friend who had complained of his words, and for a noble lord who sat near him, (Lord John Russel,) yet unless they endeavoured, zealously and sincerely, to put an end to so horrid a violation of personal freedom, as the African slave-trade most undoubtedly was, however it might hurt those for whom he felt an affection and respect, yet he could not so far compliment them as to retract his words, or to neglect speaking in the manner which his duty required, upon a subject so serious as the present.

The House being now apprised of the nature of this trade, having received evidence, having had the facts undeniably established, knowing, in short, what the slave trade was, he declared, that if they did not, by the vote of that night, mark to all mankind their abhorrence of a practice so enormous, so savage, so repugnant to all laws, human and divine, it would be more scandalous, and more defaming in the eyes of the country and of the world, than any vote which any House of Commons had ever given. He desired them seriously to reflect, before they gave their votes, what they were about to do that evening. If they voted that the slave trade should not be abolished, they would, by their vote that night, give a parliamentary sanction to rapine, robbery, and murder; for a system of rapine, robbery, and murder, the slave trade had now most clearly been proved to be.

Every gentleman who had perused the examination of the witnesses, upon the table, must acknowledge that he had not used one word too strong. He had read the privy council's report some time ago; but owned that it was but lately that he had turned his attention to the evidence since taken before the select committee; and he regretted that he had not done it sooner; for the facts he there found were such as proved the absolute necessity, on every consideration of morality and justice, of putting an end to a practice so pregnant with circumstances of terror and alarm to this country.

That the pretence of danger to our West India islands from the abolition was totally unfounded, the speech of the honourable gentleman who introduced the motion had fully convinced him; but if it had not, the speech of the right honourable the chancellor of the exchequer, in which speech he had, in so masterly a manner, established that point, must have given him complete satisfaction. If there was any thing for

him at all to find fault with in the right honourable gentleman's speech, he should say, that it could only be his dwelling so much on that part of the subject, and bestowing so much eloquence and ability on it; so as to give an air of more importance to the pretexts of the other side than they at all deserved; thus, drawing the attention of the committee from the justice of the question,—which was a thing of infinitely greater magnitude.

It had been shown, on a comparison of the deaths and births in Jamaica, that there was not now any decrease; but if there had been, it would have made no difference in his conduct on the subject: for had the mortality been ever so great, he should have ascribed it entirely to the system of importing negroes, instead of encouraging the breed. If any man were to tell him of a country in which, though horses were used, yet very few were bred, this would not induce him to suppose there was any unfriendliness in the climate of that country to the natural propagation of horses, but merely to its being found cheaper by the inhabitants to buy horses than to breed them. It was not his fault, Mr. Fox said, that he was reduced to the degrading necessity of speaking of human beings as if they were horses.

But what he urged in the case of horses was evidently the case with slaves in the West Indies. The climate was declared to be remarkably congenial to them, and to be just like their own. This had been actually pleaded—with a different view, indeed—in favour of the slave trade. Then why should they not breed? It was merely because the West India planters thought it more convenient, more agreeable to them, or more cheap, to buy them fit for work than to breed them: it was because the planters did not chuse to treat them with that attention and humanity which would ensure their breeding. What, then, was the purpose for which this accursed and horrid traffic in human creatures was desired to be kept up? The purpose was this—in order to give the planters the opportunity of destroying the negroes on their estates, as fast as they pleased. The plea on which the slave trade to Africa was to be kept up—if the mortality in the islands was the plea—could only be in order to indulge the planters in the liberty of misusing their slaves, so as to check propagation; for it was from ill usage only that, in a climate so natural to them and so favourable, their numbers could ever diminish. Mr. Fox stated, therefore, that if the mortality in the West Indies were ten times greater than it was, this would only be a ten times stronger reason for forbidding the importation of slaves. It would only argue ten times more ill usage than now prevailed, and parliament would be so much

the more loudly called upon to put an end to a system so destructive of human life.

The very ground, therefore, on which the planters rested the necessity of fresh importations, namely, the destruction of lives in the West Indies, was itself the strongest reason that could possibly be given for the abolition of the trade, and the more strongly they chose to urge the more strongly should he argue from it the necessity of the present measure, and the serious need there was of a parliamentary interference. He observed, also, that if any thing could aggravate the national guilt of the slave trade on the coast of Africa, it was this same dreadful argument of its being necessary in order to replace the lives destroyed by our inhuman system of treating them in the West Indies.

Mr. Fox next adverted to some instances of cruelty which had been mentioned, and which appeared in actual evidence. He thought that an honourable gentleman (Mr. William Smith) who had spoken with much sound argument and manly sense, had done well to introduce those stories which had made such an impression on the House, that he could scarcely bear to be present when such horrid tales were even related. But, had the truth of any one of them been controverted? An honourable gentleman (Mr. Cawthorne), by way of discrediting the account given of the African captain's cruelty to the child ten months old, could only say that it was too bad to be true, and that it was impossible: and, in order to discredit the witness, had bid them look to his cross examination. The honourable gentleman, however, had declined turning to the cross examination, the whole of which, Mr. Fox desired the House to observe, amounted to this: that when pressed, in the closest and strictest manner, by some able persons of that House, the only inconsistency they could fix upon him, was a doubt whether the fact had happeded on the same day, of the same month, of the year 1764 or the year 1765.

He observed, that absolute power was not denied to be exercised by the slave captains, and, if this were granted, such was human nature, that he was persuaded all the cruelties charged upon them would naturally follow. He also remarked, that nothing less than complete arbitrary power was exercised over the slaves in the West Indies, and he spoke of the abuse of it, which there, as well as every where else, must be the consequence. Never did he hear of any charges exhibited against any set of men, before any court or legislature, of so black and horrible a nature, as those contained in the evidence now on the table; and it became those who laboured

under them to come forward to vindicate their characters to their country.

Many, in short, were the instances of cruelty to which this trade gave rise. It was a scene of such iniquity and oppression, in every one of its stages, that if the House, with all their present knowledge of the circumstances, should dare to vote for its continuance, they must have nerves of which he had no conception. We might find instances, indeed, in ancient history, of men violating all the feelings of nature in some cases of an extraordinary kind. Fathers have sacrificed their sons and daughters, and husbands their wives; but if we were to do violence to the feelings of humanity, and, in this respect, to imitate their characters, we ought not only to have nerves as strong as the two Brutuses, but we ought also to take care that we had a cause as good, and that we had motives for such a dereliction of our feelings as patriotic and public spirited as they had.

But what was this trade so contended for, this wholesale sacrifice of a whole order and race of our fellow creatures, which, in violence to all our feelings, we were asked to vote the continuance of? It was a traffic for human beings, who were to be carried away by force, from their native country, to be subjected to the mere will and caprice, the tyranny and oppression of other human beings, for their whole natural lives, they and their posterity for ever!

Mr. Fox then entered into some account of the trade, tracing it from its first scenes in Africa, through the middle passage, to its conclusion. It was impossible, he said, to consider it in the light of any natural or ordinary commerce. It was on the first view obvious, that there could not be a multitude of human beings, at all times, ready to be furnished, in the way of fair articles of commerce, just as our commerce, just as our occasion might require. The argument urged by the right honourable the chancellor of the exchequer upon this head was perfectly unanswerable. Our demand was fluctuating, it entirely ceased at some times, nay, for whole years together, as was the case during the last war; sometimes, again, a demand for slaves was great and pressing. How, then, was it possible, on every sudden call, to furnish a sufficient return in slaves, without resorting to those means of obtaining them which had been mentioned, and the very mention of which was sufficient to strike us with horror? He observed there had been three means stated, of procuring slaves; namely, those of war, trade, and crimes supposed to be committed, each of which he would now a little examine the justice of.

Captives in war, it was urged, were in uncivilized countries commonly doomed to slavery. This, however, was false in

point of fact; and it was so far from being the case in Europe, that it was become a custom, founded on the wisest policy, to pay the captives a peculiar respect and civility. Ought we not to inculcate the same principles in Africa? So far from it, we encouraged wars for the sake of taking, not the man's goods and possessions, but the man himself, and it was not the war that was the cause of the slave trade, but the slave trade that was the cause of the war. The practice was, as appeared in evidence, for the slave merchants to carry presents, consisting commonly of spirits, to the African kings, and when intoxicated with them, then it was that the royal prerogative of making war was exercised. An instance was mentioned in evidence, of an African prince, who, when sober, had resisted the wishes of the slave merchants; but who, in the moment of inebriety, gave the word for war, attacked the next village, inhabited by his own subjects, carried them all off, and sold them to the slave merchants.

After dwelling on the enormity of the system of making war in Africa, which was one source of obtaining slaves, he came next to the second way of procuring them, namely, that of trade. This, he said, was proved by the most undeniable evidence to be little more nor less than a most shameful and unrestrained system of kidnapping. He referred the House to various instances of this. He mentioned one case, in which the agent of the merchants affected to act as mediator between two contending parties, who, if he might be allowed to use a pun on so melancholy an occasion, certainly brought the two parties together, for he brought them tied back to back to one another, and hurried them both on board a slave ship. There was another instance of a considerable black slave merchant, who, after having sold a girl whom he had kidnapped, was presently after kidnapped and carried away himself: and when he asked the African captain, in his strange language, "What, take me grand trader too?" the only answer was, "Yes, we will take you, or her, or any one else, provided any body will sell you to us." And accordingly both the trader and the child were carried off together to the West Indies.

Mr. Fox then adverted to the third mode of obtaining slaves; namely, by crimes committed, or supposed to be committed. This had been stated in such a way, that one would think the slave trade was kept up by us, on a sort of friendly principle, and as a necessary part of the police of that country. It was remarkable, that two of the chief crimes which produced convictions, were adultery and witchcraft. Was adultery, then, a crime which we need go to Africa to punish? Was this the way we took to establish the purity of our na-

tional character? Where marriage was solemnly instituted, as a religious rite, as it was in this civilised country, he should be sorry to speak lightly of the crime of adultery. But, was Africa the place where Englishmen, above all men, ought to go in search of adulterers? Did it become us, to use our Saviour's expression, "to cast the first stone?" It was a most extraordinary pilgrimage, for a most extraordinary purpose! And, yet, this was one of the chief crimes by which, in this civilized country, we justified our right of carrying off its inhabitants into perpetual slavery, in the West Indies. The next crime to this was the supposed one of witchcraft. We ourselves, more enlightened than they, were aware that the crime did not really exist; but, instead of humanely trying to dispel their blindness and ignorance, we rather chose, for the sake of the slave trade, to lend ourselves to their superstition, and become the instruments of their blind vengeance. We stood by, we heard the trial, we knew the crime to be impossible, and that the accused must be innocent; but we waited in patient silence for his condemnation, and then we lent our friendly aid to the police of the country, by buying the wretched convict, with all his family, whom, for the benefit of Africa, we carried away also into perpetual slavery.

Having spoken of the three ways of obtaining slaves, Mr. Fox proceeded to the manner of their transportation. He knew not how to give the House a more correct idea of all the horrors of their situation, when on board, than by referring them to the section of a slave ship, where the eye might see what the tongue must fall short in describing. Here he enlarged on the effects of despotic power, in the case of captains of slave ships, and on the strange instances of cruelty, proved in evidence, to have been perpetrated. They had been thought, by some persons, to be so extravagant, that the term of insanity had been used; and, indeed, they were unaccountable, except on the principle, that despotic power by long use is apt to produce acts of cruelty so enormous, that they have been known frequently to assume the appearance of insanity. Among European sovereigns, indeed, the mild influence of religion, philosophy, and the modern limitations of power, had rendered acts of despotism and cruelty far from common; but, among the Emperors of Rome, how many were there who, by the unrestrained use of their power, became so cruel as to be suspected of occasional insanity, just as many masters of slave ships had been. Who was there that ever read in the Roman history the facts recorded of Nero, without suspecting he was mad? Who would not be apt to impute insanity to that monster Caligula? Who would not think the same of Domitian? Who would

hesitate to pronounce Caracalla insane? Who could otherwise account for the vices of Commodus? Or who could not doubt that Heliogabalus was out of his senses? Here were six Roman emperors, not connected in blood, or by descent, who each of them possessing uncontrolled power, had been so distinguished for cruelty, that nothing short of insanity could well be imputed to them. He then asked, whether the insanity of the masters of slave ships might not be supected to be something of the same species, and might not be accounted for upon much the same principles?

Mr. Fox then proceeded to the situation of the slaves, when brought to the West Indies. It had been said, indeed, that they were taken from a worse state, to a better. The House, he knew, could not wish to hear recitals of cruelty, nor did he like to dwell upon them. It was their duty, however, in the present case, to open their ears to them, and the House, exclaimed Mr. Fox, shall hear them. An honourable gentleman before him had quoted some instances, and he would now quote two more. The first was in a French island; but was declared by witnesses of unimpeachable credit. A slave, under hard usage, urged by the first impulse of nature, had run away, and attempted to get his liberty. To prevent his repeating the offence, the planter sent for his surgeon, and said to him, "Cut off this man's leg." The surgeon, who had more humanity than his master, refused. "You refuse," said the planter, "then what you decline, as an act of friendship to me, I will compel you to do, as an act of duty." Upon this, the planter broke the poor man's leg. "There now," said he to the surgeon, "you must cut off his leg, or the man will die." We might console ourselves, perhaps, that this was in a French island, but in the English there was no great difference; and the next instance he should state was in an island of our own. A gentleman (Mr. Ross, as appeared in evidence,) while he was walking along, heard the shrieks of a female, issuing from a barn or outhouse; and as they were much too violent to be excited by any ordinary punishment, he was prompted to go near, and see what could be the matter. On looking in, he perceived a young female, tied up to a beam by her wrists, entirely naked, and in the act of involuntarily writhing and swinging, while the author of her torture was standing below her, with a lighted torch in his hand, which he applied to all the parts of her body, as it approached him. What crime this miserable wretch had perpetrated, he knew not; but that was of little consequence, as the human mind could not conceive a crime, in any degree, warranting such a punishment.

By the manner in which the House received this story, Mr. Fox observed to them, that he saw the tale was so horrid, that they could not listen to it without shrinking. Will the House, then, said he, sanction enormities, the bare recital of which was sufficient to make them shudder? Let them remember that humanity consisted not in a squeamish ear. It consisted not in starting or shrinking at such tales as these, but in a disposition of heart to relieve misery, and to prevent the repetition of cruelty. Humanity appertained rather to the mind than to the nerves; and it would prompt men to use real and disinterested endeavours to give happiness to their fellow creatures. Here, in England, such was our indignation at every act of injustice, that a highwayman, a pickpocket, or even a pilferer, was, by law, condemned to death; so jealous were we in cases where our own property was concerned! But we permitted to go unpunished crimes committed in consequence of the slave trade, in comparison with which the criminal practices of England were innocence itself. What was the consequence of this? We unsettled the principles of justice in the minds of men, and we deprived the legislature of that strong influence which it ought to derive from its known integrity, and from its uniform consistency of conduct. It was as important, therefore, in sound policy, as it was in point of justice and honour, to abolish a trade which discredited our morals and police at home, as well as our national character abroad. For what could any foreigner think, either of our justice or consistency, who should see a man that had picked a pocket going to be hanged for the crime, while all the enormities which had been perpetrated in Africa, and all the other cruelties now in evidence before the House, were known not only to pass off with impunity, but the continuance of them to be permitted by a vote of the British parliament?

It was said, however, that the Africans were less happy at home than in the islands, and that we were therefore justified in carrying them away. But what right had we to be the judges of this, or to force upon them a new condition? "However unhappy in your opinion," they might say to us, "yet we wish for the comforts that surround us, the social relations of life, the liberty of our native, though uncultivated, plains; and you have no right to change, nay, even to better, our condition." But it was ridiculous to plead that we bettered their condition, when we dragged them from every thing that was dear in life, and reduced them to the most abject state of slavery!

One argument, indeed, had been used by an honourable alderman, in the way of commercial policy, which, for a

subject so grave, was rather too ridiculous. The slave trade, said the honourable alderman, was necessary, on account of the support it gave to our fisheries, for that the Newfoundland trade depended on the slaves, for the consumption of a vast quantity of refuse fish, for which there would otherwise be no vent. What was this but to say, that the slave trade must be kept up, with all its enormities, in order that there might be persons to eat up the refuse fish which was too bad for any body else to eat!

It had been said, that England ought not to abolish the trade, unless France, Spain, and Holland would also give it up. But, if it was a trade founded in violence and injustice, Great Britain ought to wash her hands of it at any rate; nor was the practice of other countries any thing at all to the question. It was as if a person addicted to felony, but now conscious of his past guilt, should say, "There is a man, now, whom I have an opportunity of robbing on the highway; I am extremely sorry to do it, for I am become fully sensible of the guilt, but I know that if I should not rob him, there is another highwayman, half a mile farther on the road, who certainly will, and thus he will get the man's purse instead of myself." Mere gain was not a motive for a great country to rest on, as a justification of any measure: it was not the first purpose of a well regulated government: honour was its superior, as much as justice was superior to honour.

With regard to the emancipation of the negroes already in slavery, his own doubts of the efficacy of an act of the British legislature for this purpose was a reason for not entering into it. He himself did not think such a measure could be suddenly ventured upon; and though every man had a right to freedom, yet it should be observed, that men inured to slavery all their lives felt certainly less degraded by it than those who were born to independence. It might be dangerous to give freedom at once to a man used to slavery, on the same ground as, in the case of a man who had never seen daylight, there might be danger of blinding him, if you were to expose him all at once to the glare of the sun.

Mr. Fox condemned the arrogance of the notion, that all the inhabitants of Africa had minds inferior to ourselves. How did we know that such was the case? Why might there not be men in Africa of as fine feelings as ourselves, of as enlarged understandings, and as manly in their minds as any of us? He then mentioned the case of an African captain, who heard in the night some violent groanings, which had caused a disturbance in his ship. There was among his slaves one person of considerable consequence, a man once high in

military station, with a mind not insensible to the eminence of his rank, who having been taken captive in battle, was sold to the slave ships, and laid promiscuously with the rest. Happening in the night to obtain room to stretch his weary limbs, at rather more ease than usual, he had fallen fast asleep, and he dreamt that he was in his own country, high in honour and in command, caressed by his family and his friends, waited on by his domestics, and surrounded with all his former comforts in life; when, awaking somewhat suddenly, he found himself fastened down in the hold of a slave ship, and was heard to burst into loud groans and lamentations on the miserable contrast of his present state, mixed with the meanest of his subjects, and subjected to the insolence of wretches, a thousand times lower than himself, in every kind of endowment! Mr. Fox appealed to the House, whether this was not as moving a picture of the miserable effects of the slave trade, as any that could be imagined. There was one way, and it was an extremely good one, by which any man might come to a judgment on theses points —let him make the case his own. What, said he, should any one of us, who are members of this House, say, and how should we feel, if conquered and carried away by a tribe as savage as our countrymen on the coast of Africa shew themselves to be? How should we brook the same indignities, or bear the same treatment ourselves, which we do not scruple to inflict on them?

Having made this appeal to the feelings of the House, Mr. Fox proceeded to observe, that great stress had been laid on the countenance that was given to slavery by the Christian religion. So far was this from being true, that he thought one of the most splendid triumphs of Christianity was, its having caused slavery to be so generally abolished, as soon as ever it appeared in the world. One obvious ground on which it did this, was by teaching us, that in the sight of Heaven all mankind are equal. The same effect might be expected also from the general principles which it taught. Its powerful influence appeared to have done more in this respect than all the ancient systems of philosophy; though even in them, in point of theory, we might trace great liberality and consideration for human rights. Where could be found finer sentiments of liberty, than in the works of Demosthenes and Cicero? Where should we meet with bolder assertions of the rights of mankind, and the dignity of human nature, than in the historians Tacitus and Thucydides? It was remarkable, however, that these great men kept slaves in their houses, and permitted a whole order of slaves to exist

in their country. He knew, indeed, that what he had been ascribing to Christianity some imputed to the advances which philosophy had made. Each of the two parties took the merit to itself: the divine gave it to religion, the philosopher to philosophy. He should not dispute with either of them; but as both coveted the praise, why should they not emulate each other, in promoting this improvement in the condition of the human race?

Mr. Fox, having drawn his argument on the general question, to a conclusion, wished, he said, to give an answer to an honourable baronet over the way (Sir Archibald Edmondstone) who had asked, what was meant to be done by the honourable mover, if the present question for leave to bring in a bill should be carried? Mr. Fox said, that he conceived the intention of the honourable mover undoubtedly was, to bring in a bill for abolishing the slave trade immediately; but that the forms of the House made it necessary that the time should be left in blank, and that the blank might be filled up, by naming any period of one, two, three, or four years, as the House might think expedient; so that there was no reason why the honourable baronet, or any other gentleman, who objected to so immediate an abolition, should not, in this instance, vote with him. Mr. Fox paid some compliments to the honourable gentleman who introduced the motion, saying, that he had fully intended to make a motion, for leave to bring in a bill of the same nature; but that he was extremely happy it had fallen into better hands. He declared, that the whole country, and, indeed, the whole civilized world, must rejoice, that such a bill had been moved for, not merely as a matter of humanity, but as an act of justice, and nothing else: for he would put humanity wholly out of the case. He asked, could it be called humanity to forbear from committing murder? Exactly upon this ground did the present motion stand, being strictly a question of national justice. Mr. Fox observed, that it could not be supposed that he had been induced on the present occasion, to lend his assistance by any personal considerations, and he assured the friends to the abolition, that, in whatever situation he might be placed his warmest efforts should be used in promoting this great cause.

As soon as Mr. Fox had sat down, Mr. Stanley said, that he came to the House purposing to vote against the abolition, but that the impression made both on his understanding and his feelings, was such as he could not resist; and he was now convinced, that an entire abolition of the slave trade was called for equally

by sound policy and justice. The honourable Mr. Ryder (the present Earl of Harrowby) said he came to the House not exactly in the circumstances of the honourable gentleman who had just spoken, but very much undecided on the subject; he, however, was so strongly convinced by the arguments he had heard, that he was become equally earnest for the abolition. Mr. Burke observed, that he had, for a long time, had his mind drawn to the slave trade; that he had even prepared some measures for its regulations, conceiving the immediate abolition of it, though highly desirable, to be then hardly a thing which could be hoped for: but when he found the honourable mover was bringing forward the present question, which he approved much more than his own, he had burnt his paper, and made an offering of them, in honour of the proposition of the honourable gentleman, much in the same manner as we read that the curious books were offered up and burnt at the approach of the gospel. He rejoiced at the submission to reason and argument which gentlemen, who came in with minds somewhat prejudiced, had avowed on that day. They thereby told their constituents, as they ought to tell them, that it was impossible for them, if sent to hear discussion in the House of Commons, to avoid surrendering up their hearts and judgments to the cause in question, however they might have been taught beforehand to come prejudiced against it.

The committee divided on Mr. Wilberforce's motion: Yeas 163: Noes 88. Majority against the abolition of the slave trade 75.

War with Russia—French Revolution.

April 15.

THE opposition having divided, on the 29th of March, in such considerable numbers upon the king's message respecting the war with Russia, Mr. Grey, on the 12th April, moved the following resolutions: "1. That it is, at all times, and particularly under the present circumstances, the interest of this country to preserve peace. 2. That it is neither reasonable nor just to take up arms, for the purpose of dictating terms of peace between nations engaged in hostilities, without any reference either to the cause of the disputes, or the circumstances of the war. 3. That the refusal of an offer of mediation, is no just cause of war. 4. That during the progress of the war between Russia and the Porte, and since the taking of Oczakow, this House has received repeated assurances from the throne, that the situation of affairs continued to promise to this country the uninterrupted enjoyment of the blessings of peace. 5. That, convinced of the truth of the assurances which we have received from the throne, this House has hitherto considered the interests of Great Britain as not likely to

be affected by the progress of the Russian arms on the borders of the Black Sea. 6. That this country is not bound by any treaty to furnish assistance to any of its allies, except in the case of an attack upon them. 7. That none of the possessions of this country, or of any of its allies, appear to be threatened with an hostile attack from any foreign nation. 8. That the expence of an armament must be burdensome to the country, and is, under the present circumstances, as far as this House is informed, highly inexpedient and unnecessary." The motion was lost by a majority of only 80. The diminution of the minister's majority upon this division occasioned another discussion of the same subject on the 15th, when Mr. Baker moved, "1. That it is at all times the right and duty of this House, before they consent to lay any new burthens on their constituents, to enquire into the justice and necessity of the objects in the prosecution of which such burders are to be incurred. 2. That no information has been given to this House, which can satisfy us that the expences to be incurred by the present armament are necessary to support the interests of these kingdoms, or will contribute to the great and important object of restoring the tranquillity of Europe on a secure and lasting foundation." The motion was principally supported by Mr. St. John, Mr. Anstruther, Mr. Martin, Lord Fielding, Sir James Erskine, and Mr. Windham; and opposed by Mr. Pole Carew, Mr. Cocks, Mr. Elliot, Mr. Yorke, Mr. Grant, and by Mr. Pitt, who observed, that notwithstanding the many calls which had been made upon him, and the many harsh epithets which had been applied to his silence, his sense of duty to his sovereign and his country should still remain the rule of his conduct. He meant, therefore, to enter into no detail of the pending negociation; to offer no explanation inconsistent with his official duties. He contended, that sufficient information had been given for the simple act of voting the armament, his majesty having expressly stated in the message, that such a measure was necessary to give effect to the negociations, in which he was engaged, for laying the foundation of a solid and lasting peace. He confessed, however, that the House was not pledged to support a war without farther explanation. The House might give confidence to the servants of the crown, pending a negociation; but that was substantially different from pledging itself to support a war, should the negociation prove unsuccessful. That, which was a sufficient cause for an armament, might not be a sufficient cause for a war.

Mr. Fox concluded the debate. He began with remarking, that so long as he retained a regard for the constitution, a zealous attachment to the welfare of the people, and a true sense of his duty to the House, he should rise for the purpose of resisting such strange and unwarrantable doctrines as those which had been advanced on a question of the highest political and constitutional importance, involving no less than whether this was a mixed government, or whether the whole power of it was vested in the king. If it was such as the

friends of the minister had contended, the House had given up all its deliberative, and reserved only its inquisitorial power; and the members, instead of meeting day after day, had much better appoint one day in the year for a general inquest, and give the minister implicit confidence for the rest. They had been asked, if they would take the whole negociation into their own hands. They had never pretended that they would. There was a clear distinction between the object of a negociation, and the means employed to obtain it. Of the former, they claimed an indisputable right to judge, and the latter they confided to the executive power. He was not fond of stating general propositions, without any exception; but he could hardly conceive a case in which the king might arm at the expence of the people, without informing them of the object. In the case of Spain, which was an armament to give weight to negociation, the object was clearly and distinctly stated. Here, in spight of its general notoriety, it was studiously endeavoured to be concealed. It was the prerogative of the crown to make war, but a prerogative not to be trusted for a moment, without its corrective — the right of the commons to refuse the supplies. Ministers now came to the House, and demanded money without any explanation, so that what was admitted to be the undoubted right of the House was to be exercised without knowledge, and consequently without judgment; but with regard to the exercise of the king's prerogative, the declaring of war, they were to have every possible information.

Of the personal or ministerial confidence, of which gentlemen had talked so much, the right honourable the chancellor of the exchequer had no title to either. He had given proofs of incapacity, and he had deceived the House. The constitution knew no such thing as confidence. The king's right to declare war, and the right of the House to withhold supplies, were both absolute. He would give confidence for an armament for a short time, and that for the purpose of defence only; and when he agreed to keeping in commission an additional number of ships, on being told that the state of Europe required it, he should have spurned at the idea, had he been apprised that they were kept up for the purpose of offence. In the present case, too much was disclosed for confidence, and too little for conviction. If the armament was formed on the most absurd grounds, as he and all the country believed it was, he should be glad to hear from those who talked of responsibility as the guardian of confidence, how an article of impeachment could be drawn against the minister for bringing down a message from the

king, and moving an address. On the declaration of war, he would take the opinion of the House; and as he was not impeachable in the one case, he would be screened by the concurrence of the House in the other. He would say, how is that criminal in me which you agreed to support? The House, not a fortnight since, had rashly promised to support an armament, in other words, an armament whenever his majesty's ministers should think proper, and they were told that any proposition to undo what they had done was too late, unless the minister came again to demand the supplies.

The resolution, the friends of the minister objected, was meant to put an end to the war. Undoubtedly it was, though it was rather singular that they should own this, when they knew that it was only an enquiry into the expediency of it. It was, indeed, a bad sign, when the advocates of a measure were compelled to allow, that to enquire into the expediency, and to put an end to it, were one and the same thing. They said the House must enquire into the whole of the negociation, or into no part of it; but to what purpose examine the means, when even the object was withheld? This could not be disclosed to the public, pending the negociation, and in the mean time the public money was spent, in pursuit of an object of which the public had no knowledge. To admit a case, for the sake of argument, when all the world knew that the case admitted was the real case, was a solemn farce, a miserable attempt to deceive. On what principle were five hundred and fifty-eight gentlemen, because they happened to be assembled in a house of parliament, to pretend ignorance of what all the foreign gazettes and all the memorials could inform them of — of what was known beyond dispute two months ago — that the empress demanded, of all her conquests, to retain only the fortress of Oczakow, and the country from the Bog to the Neister? That the moderation of this demand arose from our armament, was completely and morally impossible, for it had been made before the armament was heard of. With regard to what she might demand, were we to disarm, there was only one argument to which he could not reply, and ministers should not tell him that they had used her so ill, that she would listen to no terms whatsoever. If we sent a fleet into the Baltic, alarmed and insulted her coasts, which was all, he believed, we could do; if we shewed our teeth, and our inclination to do mischief, then, indeed, she might probably be provoked to depart from the moderation of her first demand.

If the House desired to know the object before they gave away money, he thought they would act neither unconstitutionally nor with any improper degree of suspicion. If they rejected this doctrine, they betrayed the interest of their constituents, and declared themselves incapable of judging of the propriety of voting away their money. The right honourable gentleman, under the plea of state secresy, had brought forward the worst possible excuse for holding his tongue, to save him from exposing the most unjustifiable conduct. His defensive system was wicked and absurd—that every country which appeared, from whatever cause, to be growing great, should be attacked; that all the powers of Europe should be confined to the same precise situation in which this defensive system found them. If this was a defensive, he should be glad to hear what was an offensive system. The family-compact, so justly reprobated, because the contracting parties engaged to assist one another, at all events, whether the quarrel was just or unjust, never carried its presumption so far as this defensive system. According to this system, were any nation to acquire territories in Asia, from which revenue could be derived, that would be a sufficient cause for war; if any country, in any shape, became more strong at home, and consequently more secure abroad, the allies, under this defensive system, must instantly make war against it, and restore it to its former state of misery at home, and imbecility abroad;—a principle so diabolical as this he never expected to hear stated in a civilized assembly!

He had said, that what was a ground for armament was not a ground for war. What! were we degraded into a mere bully as a nation, to enforce insolent propositions by arms, and if they were firmly resisted, to recede from them? Nothing could justify an armament which could not justify a war; for, the nation that was once discovered to have armed in bravado, would find little regard paid to her armaments again. He had been a strenuous advocate for the balance of power, while France was that intriguing, restless nation which she had formerly proved. Now, that the situation of France was altered, that she had erected a government, from which neither insult nor injustice was to be dreaded by her neighbours, he was extremely indifferent concerning the balance of power, and should continue so till he saw some other nations combine the same power with the same principles of government. His idea of this balance was, that every state was not to be kept in its precise old situation, but to prevent any one from obtaining such an ascendancy as to be dangerous to the rest. No man could say that Russia was

the successor of France in this respect. Her extent of territory, scanty revenue, and thin population, made her power by no means formidable to us; a power whom we could neither attack, nor be attacked by; and this was the power against whom we were going to war! Overturning the Ottoman empire, he conceived to be an argument of no weight. The event was not probable, and if it should happen, it was more likely to be of advantage than injurious to us. If we wished to retain the good wishes of our Dutch allies, we should be careful of engaging them in ruinous wars; for, the aversion to, and detestation of, this war, was greater in Holland than in England. "Now," said the minister's friends, "if war ensues, we may thank the speeches of the minority." He had long been callous to this sort of abuse; but if this was their opinion, they ought to prorogue the parliament; for it was impossible for him to sit in it, and not speak his honest sentiments on a question which so nearly concerned the public interest. But he believed there would be no war; the empress would either be compelled to give up Oczakow, or, what was much more probable, the minister, after his bullying and blustering, would recede from all his arrogant demands, and we should have nothing in return for an expence of perhaps half a million, but the shame of having interfered where we had no right to interfere, and the disgrace of having completely failed. To what a state were we reduced, when this was the foundation of our hopes; and when to be baffled and disgraced in the eyes of Europe was an object of ardent expectation!

Mr. Fox, in the course of his speech, charged the minister with insolence, arrogance, incapacity, and wilful imposition on the House of Commons, in the conduct of foreign affairs, and dared him to the proof. The confidence, he said, that there would be no war, that he durst not go to war, was the only tie which kept his majority about him. He entered into a comparison of the present state of France with its former condition, both as it respected the politics of Europe, and the happiness of the people, for the purpose of shewing that those who detested the principles of the revolution had reason to rejoice in its effects. He praised the new government of France, in its internal relation, as good, because it aimed to make those who were subject to it happy. With regard to the change of system that had taken place in that country, Mr. Fox said, that he knew different opinions were entertained upon the point by different men, and added, that he for one admired the new constitution of France, considered altogether, *as the most stupendous and glorious edifice of liberty*,

which had been erected on the foundation of human integrity in any time or country. *

After observing that it was well known, there were great and good men on both sides the House to whom he made his most earnest appeal, and whom he conjured in the strongest terms to support the resolution, Mr. Fox said, that although he had to apologize for having taken up so much of the time of the House, a great deal yet remained for him to say, but as he foresaw that he should have frequent opportunities of discussing the same subject, he should trespass no longer on the patience of the House, but would give his hearty vote to his honourable friend's motion.

As soon as Mr. Fox sat down, Mr. Burke rose, in much visible emotion, but the cry of "Question!" being general, he unwillingly gave way to the division†, which immediately after took place,

	Tellers.			*Tellers.*	
YEAS	Mr. M. A. Taylor Mr. Adam	162	NOES	Mr. Steele Mr. Cawthorne	254.

The motion was consequently negatived by a majority of 92.

QUEBEC GOVERNMENT BILL — FRENCH REVOLUTION — SEPARATION BETWEEN MR. FOX AND MR. BURKE.

March 4.

ON the 25th of February, Mr. Pitt presented the following message from his majesty:

GEORGE R.

"His majesty thinks it proper to acquaint the House of Commons, that it appears to his majesty, that it would be for the benefit of his majesty's subjects in his province of Quebec, that the same should be divided into two separate provinces, to be called

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* The terms of this panegyric are taken from Mr. Burke's "Appeal from the New to the Old Whigs." See Burke's Works, vol. 6. p. 93. In the Public Advertiser of the 18th of April, 1791, they are thus given: "With regard to the change of system that had taken place in the French constitution, Mr. Fox said, there were different opinions entertained by different men, he for one admired the new constitution, considered altogether, as the most glorious fabrick ever raised by human integrity since the creation of man."

† Mr. Fox is known to have regretted the injudicious zeal of those who would not suffer Mr. Burke to answer him on the spot. The contention, he said, might have been fiercer and hotter, but the remembrance of it would not have settled so deep, nor rankled so long in the heart. See Annual Register for 1791, p. 114.

the province of Upper Canada, and the province of Lower Canada: and that it is accordingly his majesty's intention so to divide the same, whenever his majesty shall be enabled by act of parliament to establish the necessary regulations for the government of the said provinces. His majesty therefore recommends this object to the consideration of this House.

"His majesty also recommends it to this House to consider of such provisions as may be necessary to enable his majesty to make a permanent appropriation of lands in the said provinces, for the support and maintenance of a Protestant clergy within the same, in proportion to such lands as have been already granted within the same by his majesty; and it is his majesty's desire, that such provision may be made, with respect to all future grants of land within the said provinces respectively, as may best conduce to the same object, in proportion to such increase as may happen in the population and cultivation of the said provinces; and for this purpose, his majesty consents, that such provisions or regulations may be made by this House, respecting all future grants of land to be made by his majesty within the said provinces, as this House shall think fit."

Out of the above message arose the Quebec government bill—a bill which is principally interesting, as in its latter stages it gave occasion to the public declaration of a breach between Mr. Fox and Mr. Burke. In consequence of this message, Mr. Pitt, on the 4th of March, moved "For leave to bring in a bill to repeal certain parts of the act of the 14th of his present majesty, intituled 'An act for making more effectual provision for the government of the province of Quebec in North America,' and to make further provision for the government of the said province." On this occasion, Mr. Pitt opened the several heads of his plan with a detail unusually full. Scarcely a regulation of the most minute kind was left unexplained. It was proposed, he said, to divide the country into two provinces, and subject it to two distinct governments. The legislature was to consist of a council and house of assembly for each division; the assembly to be constituted in the usual manner, but the members of the council to be members for life, a power being at the same time reserved to his majesty, of annexing to certain honours an hereditary right of sitting in the council. All laws and ordinances were to remain in force, until altered by the new legislatures. The habeas corpus act, which had already been established by an ordinance of the province, was to be continued as a fundamental principle of the constitution. A provision was to be made for the protestant clergy, in both divisions, by an allotment of lands in proportion to those which had been already granted. The tenures, which had been a subject of dispute, were to be settled, in Lower Canada, by the local legislature; but in Upper Canada, as the settlers were principally British, or British colonists, the tenures were intended to be soccage tenures. A new remedy was also given in causes of appeal. The judgment of the privy council was no longer to be final. There was now to be a last resort to the House of Lords. Above all, to prevent any such discontents as had occasioned the separation of the United States of America from the mother country, it was provided, that the British parliament should im-

pose no taxes but what were necessary for the regulation of trade and commerce; and that even those should be levied and disposed by the legislature of each division. On this opening of the measure no objection to the principle of a single regulation was intimated.

Mr. Fox agreed with the right honourable gentleman that it was impossible to concur in any plan like that proposed, until the bill was before the House, but he was willing to declare, that the giving to a country so far distant from England a legislature, and the power of governing for itself, would exceedingly prepossess him in favour of every part of the plan. He did not hesitate to say, that if a local legislature was liberally formed, that circumstance would incline him much to overlook defects in the other regulations, because he was convinced that the only means of retaining distant colonies with advantage, was to enable them to govern themselves.

Leave was given to bring in the bill, which passed the early stages without opposition.

April 8.

On the order of the day for taking into further consideration the report of the committee on the bill, Mr. Hussey, after presenting a petition against it, from the merchants interested in the trade to Quebec, moved that the bill be recommitted. Upon this,

Mr. Fox rose. He began by expressing his hope, that in promulgating the scheme of a new constitution for the province of Quebec, the House would keep in view those enlightened principles of freedom, which had already made a rapid progress over a considerable portion of the globe, and were every day hastening more and more to become universal. He observed, that the bill contained a variety of clauses of the utmost importance, not only with respect to the country to which they immediately related, but to Great Britain. Many of these clauses appeared to be very exceptionable, and such as he could by no means subscribe to. The bill proposed to give two assemblies to the two provinces, and thus far it met with his approbation; but the number of persons of whom these assemblies were to consist, deserved particular attention. Although it might be perfectly true, that a country, three or four times as large as Great Britain, ought to have representatives three or four times as numerous, yet it was not fit to say, that a small country should have an assembly proportionably small. The great object in the institution of all popular assemblies was, that the people should be fully and

and freely represented; and that the representative body should have all the virtues and the vices incidental to such assemblies. But when they made an assembly to consist of sixteen or thirty persons, they seemed to him to give a free constitution in appearance, when, in fact, they withheld it. In Great Britain, we had a septennial bill; but the goodness of it had been considered doubtful, at least, even by many of those who took a lead in the present bill. The right honourable gentleman the chancellor of the exchequer had himself supported a vote for the repeal of that act. He did not now mean to discuss its merits; but a main ground on which it had been thought defensible was, that a general election in this country was attended with a variety of inconveniences. That general elections in Great Britain were attended with several inconveniences could not be doubted; but when they came to a country so different in all circumstances as Canada, and where elections, for many years at least, were not likely to be attended with the consequences which they dreaded, why they should make such assemblies not annual or triennial, but septennial, was beyond his comprehension. A septennial bill did not apply to many of the most respectable persons in that country; they might be persons engaged in trade, and if chosen representatives for seven years, they might not be in a situation to attend during all that period; their affairs might call them to England, or many other circumstances might arise, effectually to prevent them from attending the service of their country. But although it might be inconvenient for such persons to attend such assembly for the term of seven years, they might be able to give their attendance for one, or even for three years, without any danger or inconvenience to their commercial concerns. By a septennial bill, the country of Canada might be deprived of many of the few representatives that were allowed by the bill. If it should be said, that this objection applied to Great Britain, he completely denied it; because, although there were persons engaged in trade in the British House of Commons, and many of them very worthy members, yet they were comparatively few; and therefore he should think that, from the situation of Canada, annual or triennial parliaments would be much preferable to septennial. Of the qualification of electors he felt it impossible to approve. In England, a freehold of forty shillings was sufficient; five pounds were necessary in Canada. Perhaps it might be said, that when this was fairly considered, it would make no material difference, and this he suspected to be the case; but granting that it did not, when we were giving to the world, by this bill, our notions of the principles of election, we should not hold out that the qualifications in

Great Britain were lower than they ought to be. The qualifications on a house were still higher; he believed, ten pounds.

He thought that the whole of this constitution was an attempt to undermine and contradict the professed purport of the bill — the introduction of a popular government into Canada. But although this was the case with respect to the two assemblies, although they were to consist of so inconsiderable a number of members, the legislative councils in both provinces were unlimited as to numbers. They might consist of any number whatever, at the will of the governor. Instead of being hereditary councils, or councils chosen by electors, as was the case in some of the colonies in the West Indies, or chosen by the king, they were compounded of the other two. As to the points of hereditary powers and hereditary honours, to say that they were good or that they were not good, as a general proposition, was not easily maintained; but he saw nothing so good in hereditary powers and honours, as to incline us to introduce them into a country where they were unknown, and by such means distinguish Canada from all the colonies in the West Indies. In countries where they made a part of the constitution, he did not think it wise to destroy them; but to give birth and life to such principles in countries where they did not exist, appeared to him to be exceedingly unwise. He could not account for it, unless it was that Canada having been formerly a French colony, there might be an opportunity of reviving those titles of honour, the extinction of which some gentlemen so much deplored, and to revive in the West that spirit of chivalry which had fallen into disgrace in a neighbouring country. He asked, if those red and blue ribbands, which had lost their lustre in the old world, were to shine forth again in the new? It seemed to him peculiarly absurd to introduce hereditary honours in America, where those artificial distinctions stunk in the nostrils of the natives. He thought these powers and honours wholly unnecessary, and tending rather to make a new constitution worse than better. If the council were wholly hereditary, he should equally object to it; it would only add to the power of the king and the governor; for a council so constituted would only be the tool of the governor, as the governor himself would only be the tool and engine of the king. He did not clearly comprehend the provision which the bill made for the protestant clergy. By the protestant clergy, he supposed to be understood not only the clergy of the church of England, but all descriptions of protestants.

He totally disapproved of the clause which enacts, "That whenever the king shall make grants of lands, one seventh part of those lands shall be appropriated to the protestant clergy." He had two objections to these regulations, both

of them, in his opinion, of great weight. In all grants of lands made in that country to catholics, and a majority of the inhabitants were of that persuasion, one seventh part of those grants was to be appropriated to the protestant clergy, although they might not have any cure of souls, or any congregations to instruct. One tenth part of the produce of this country was assigned, and this, perhaps, was more than one seventh part of the land. He wished to deprive no clergyman of his just rights; but in settling a new constitution, and laying down new principles, to enact that the clergy should have one seventh of all grants, he must confess, appeared to him an absurd doctrine. If they were all of the church of England, this would not reconcile him to the measure. It might be asked, why should not they have as much as those of the church of England? In this country, we had that which some condemned and others praised; we had a kind of shew, but still a proportion must be observed. The greatest part of these protestant clergy were not of the church of England; they were chiefly what are called protestant dissenters in this country. They were, therefore, going to give to dissenters one seventh part of all the lands in the province. Was this the proportion, either in Scotland, or in any other country, where those religious principles were professed? It was not the proportion, either in Scotland, or in any other ecclesiastical country in Europe; we were, therefore, by this bill, making a sort of provision for the protestant clergy of Canada, which was unknown to them in every part of Europe; a provision, in his apprehension, which would rather tend to corrupt than to benefit them. The regulation was likewise, in part, obscure, because, after it had stated that one seventh portion of the land should always be set aside for the protestant clergy, it did not state how it should be applied.

The bill was likewise exceptionable, as far as it related to the regulation of appeals. Suitors were, in the first instance, to carry their complaints before the courts of common law in Canada; if dissatisfied with the decisions of those courts, they might appeal to the governor and council; if dissatisfied with their judgment, they might then appeal to the king in council; and next, to the House of Lords. Now, if the House of Lords was a better court, which he believed it to be, than the king in council, why compel them to appeal to the king in council, before they could come to the House of Lords? Why not apply to the House of Lords at once? This could answer no possible purpose, but to render lawsuits exceedingly expensive, and exceedingly vexatious.

Those were the principal objections he had to this bill. There had not yet been a word said in explanation of it,

with all its variety of clauses and regulations. It went through the House silently without one observation; it also went through the committee only in form, but not in substance. Of all the points of the bill, that which struck him the most forcibly was the division of the province of Canada. It had been urged that, by such means, we could separate the English and the French inhabitants of the province; that we could distinguish who were originally French from those of English origin. But was this to be desired? Was it not rather to be avoided? Was it agreeable to general political expediency? The most desirable circumstance was, that the French and English inhabitants of Canada should unite and coalesce, as it were, into one body, and that the different distinctions of the people might be extinguished for ever. If this had been the object in view, the English laws might soon have prevailed universally throughout Canada, not from force, but from choice and conviction of their superiority. He had no doubt, that on a fair trial they would be found free from all objection. The inhabitants of Canada had not the laws of France. The commercial code was never established there; they stood upon the exceedingly inconvenient custom of Paris. He wished the people of that country to adopt the English laws from choice, and not from force; and he did not think the division of the province the most likely means to bring about this desirable end.

In his opinion, this bill was also objectionable, as far as it related to the trial by jury, and the habeas corpus act, which the Canadians were said to enjoy by an ordinance of the province. It was stated, by one of the council at the bar, that either the ordinance which gave the inhabitants the trial by jury, or that which afforded them the benefit of the habeas corpus act, would expire before this bill could pass into a law. If this were true, it was an objection to the bill, and ought to be remedied. He trusted that the House would also seriously consider the particular situation of Canada. It was not to be compared to the West Indies; it was a country of a different nature; it did not consist of a few white inhabitants, and a number of slaves; but it was a country of great growing population, which had increased very much, and which, he hoped, would increase much more. It was a country as capable of enjoying political freedom, in its utmost extent, as any other country on the face of the globe. This country was situated near the colonies of North America: all their animosity and bitterness on the quarrel between them and Great Britain was now over; and he believed that there were very few people among those colonies who would not be ready to admit every person belonging to this country into

a participation of all their privileges, and would receive them with open arms. The governments now established in North America were, in his opinion, the best adapted to the situation of the people who lived under them, of any of the governments of the ancient or modern world: and when we had a colony like this, capable of freedom, and capable of a great increase of population, it was material that the inhabitants should have nothing to look to among their neighbours to excite their envy. Canada must be preserved in its adherence to Great Britain by the choice of its inhabitants, and it could not possibly be kept by any other means. But it must be felt by the inhabitants that their situation was not worse than that of their neighbours. He wished them to be in such a situation as to have nothing to envy in any part of the king's dominions. But this would never prove the case under a bill which held out to them something like the shadow of the British constitution, but denied them the substance. Where the principles of liberty were gaining ground, which would increase, in consequence of the general diffusion of literature and knowledge in the world, they should have a government as agreeable to the genuine principles of freedom as was consistent with the nature of circumstances. He did not think that the government intended to be established by the bill would prove such a government; and this was his principal motive for opposing it.

The legislative councils ought to be totally free, and repeatedly chosen, in a manner as much independent of the governor as the nature of a colony would admit. Those, he conceived, would be the best; but if not, they should have their seats for life, be appointed by the king, consist of a limited number, and possess no hereditary honours. Those honours might be very proper, and of great utility, in countries where they had existed by long custom; but, in his opinion, they were not fit to be introduced where they had no original existence; where there was no particular reason for introducing them, arising from the nature of the country, its extent, its state of improvement, or its peculiar customs; where, instead of attracting respect, they might excite envy; and as but few could enjoy them, those who did not, might be induced to form an unfavourable comparison between their own situation and that of their neighbours, among whom no such distinctions were known. Even whilst he felt himself perfectly desirous of establishing a permanent provision for the clergy, he could not think of making for them a provision so considerable, as was unknown in any country of Europe, where the species of religion to be provided for prevailed. It was upon these grounds which he had stated, that

he felt himself justified in seconding the motion of his honourable friend.

After Mr. Pitt had replied to Mr. Fox, the motion for the re-commitment of the bill was agreed to. Mr. Burke was not in the House during Mr. Fox's speech.

April 21.

From the moment of the debate on the 15th of April on Mr. Baker's motion relative to the war with Russia, (see p. 200.) a rupture between Mr. Fox and Mr. Burke was distinctly foreseen. On the morning of the 21st of April, the day appointed for the re-commitment of the Quebec bill, Mr. Fox, for the last time, paid Mr. Burke a visit, accompanied by a common friend; he talked over with them the plan of all which he intended to say, opened the different branches of his argument, and explained the limitations which he meant to impose on himself. Mr. Fox, on his part, treated him with confidence, and mentioned to him a political circumstance of some delicacy. What it precisely was, Mr. Burke declined telling, even in the heat of altercation. But from the tenor of the charge, which he seems most anxious to refute, and from some intimations in one of Mr. Fox's answers, we may form a reasonable conjecture. The king, it seems, was represented to have used some expressions favourable to Mr. Fox In order, therefore, to secure himself in his situation, the minister was asserted to have given out the watch-word, that Mr. Fox was by principle a republican; and it was supposed that, in pursuance of this plan, he instigated Mr. Burke to the discussion. Mr. Burke undeceived his friend, by relating the fact as it was. Still it was requested by Mr. Fox, that at least the discussion might not take place on the re-commitment of the Quebec bill; but, Mr. Burke was unwilling to forego an opportunity which he could not hope to find again in any other business then before parliament, or likely to come before it. They walked, however, to Westminster together, and together entered the House, where they found that Mr. Sheridan, in the mean time, had moved to postpone the re-commitment till after the holidays. Mr. M. A. Taylor observed, that the business had been improperly treated, as involving the consideration of general principles of government, and the constitutions of other countries: on which ground insinuations had been thrown out against some members of the opposition party. But he gave notice, that if the minister, or any other right honourable gentleman, should wander from the proper discussion of the subject, he should call him to order, and take the sense of the House upon the occasion. Here was a palpable allusion to Mr. Burke. Yet he did not rise to answer.

Mr. Fox took the opportunity of explaining what he had said on the former question relative to the Quebec bill. After

lamenting that he had been misunderstood before, he admitted, that in forming a government for a colony, some attention must be paid to the general principles of all governments. In the course of this session, he said, he had taken opportunities of alluding, perhaps too often, to the French revolution, and to shew, whether right or wrong, that his opinion, on the whole, was much in its favour; but on this bill he had only introduced one levity, silly enough perhaps, and not worth recollection, that had any relation to the French revolution; he meant an allusion to the extinction of nobility in France, and its revival in Canada. Certainly, he had spoken much on the government of the American states, because they were in the neighbourhood of Canada, and were connected with that province. Having then observed that the prudence of concealing his opinions was a quality which his dearest friends had not very often imputed to him, and that he thought the public had a right to the opinions of public men on public measures, he declared, that he never had stated any republican principles, with regard to this country, in or out of parliament; and among other things he said, that when the Quebec bill came again to be discussed, from the great respect which he entertained for some of his friends, he should be extremely sorry to differ from them; but he should never be backward in delivering his opinion, and he did not wish to recede from any thing which he had formerly advanced.

Mr. Powys complained that the debate had turned irregularly both on retrospect and anticipation, and hinted that Mr. Fox should have imitated the example of Mr. Burke, in writing, rather than speaking there, of the French revolution. Mr. Dundas then took notice of a phrase used by Mr. Taylor, who explained: after which the conversation was closed by Mr. Burke. He in a very affecting manner assured the house, that nothing depressed him more, nothing had ever more afflicted him in body and mind, than the thought of meeting his friend as an adversary and antagonist. After noticing the anticipation which had been suggested, and the observations which had been made, but to which he trusted that he had given no just cause, he declared his sentiments, that in framing a new constitution, it was necessary to refer to principles of government and examples of other constitutions, because it was a material part of every political question, to see how far such and such principles have been adopted, and how they have succeeded in other places. His opinions on government, he presumed not to be unknown; and the more he considered the French constitution, the more sorry he was to see it. Once in the preceding session he had thought himself under the necessity of speaking very fully upon the subject; but since that time, he had never mentioned it either directly or indirectly; no man, therefore,

could charge him with having provoked the conversation that had passed. He signified, however, his intention of giving his judgment on certain principles of government at the proper moment, in the future progress of the Quebec bill. He alluded with much candour to Mr. Fox's recent panegyric on France, as well as his own ineffectual attempt to rise in answer to it, acquitting his friend from all design of personal offence in it; and he finished by saying, that should he and his friend differ, he desired it to be recollected, that however dear he considered his friendship, there was something still dearer in his mind, the love of his country: nor was he stimulated by ministers to take the part which he should take; for whatever they knew of his political sentiments, they had learned from him, not he from them. — Mr. Fox had thus openly given a challenge, which was accepted by Mr. Burke; and a determination of calling the latter to order was likewise avowed.*

May 6.

When the House re-assembled on the 6th of May, they proceeded to the re-commitment of the Quebec bill. The chairman took the chair, and began by putting the usual question, "That the bill be read paragraph by paragraph?" Upon this, Mr. Burke immediately rose. He remarked that, as the House was about to appoint a legislature for a distant people, it ought first previously to be convinced, that it was in itself competent to the assumption of such a power. A body of rights, commonly called the 'Rights of Man,' had been lately imported from a neighbouring country, and held up by certain persons in this kingdom as paramount to all other rights. A principle article in this new code was, "That all men are born free, equal in respect of rights, and continue so in society." If such a doctrine were to be admitted, the power of the House could extend no farther than to call together the inhabitants of Canada, and recommend to them the free choice of a government for themselves. But he rather chose to argue from another code, on which mankind in all ages had hitherto acted—from the law of nations. On this alone he conceived the competence of the House to rest; from this we learnt, that we possessed a right of legislating for Canada, founded upon a claim of sovereignty over that country, which was at first obtained by conquest, but afterwards confirmed and acknowledged by the cession of its former government, and established by a long uninterrupted possession. The competence of the House therefore being admitted, the next point to be considered was, after what model the proposed constitution was to be formed. In Canada there were well known to be many ancient French inhabitants, and many new American settlers, who had migrated from the United States. It might, on this account, be proper to enquire, whether the con-

* See Annual Register for 1791, p. 116. See also Mr. Burke's Appeal from the New to the Old Whigs.

stitutions of America or France possessed any thing superior to our own constitution; any thing which, if unprovided by the bill, might make those people contemplate with regret the happier situation of their former countrymen.

The Americans, he believed, had formed a constitution for themselves well adapted to their peculiar circumstances. They had in some degree received a republican education, as their ancient government partly partook of republicanism, restrained in its principles and vices by the beneficence of an over-ruling monarchy. The formation of their constitution was preceded by a long war, in the course of which, by military discipline, they had learned order, submission to command, and a regard for great men. They were trained to government by war; not by plots, murders, and assassinations. Another circumstance of considerable weight was, that they did not possess among them even the materials of monarchy and aristocracy. They acted, however, too wisely to set up so absurd an idea, as that the nation should govern the nation; but formed a constitution as monarchical and aristocratical as their situation would permit: they formed one upon the admirable model of the British constitution, reduced to its primary principles. Yet he would not say, 'Give this constitution to the people of Canada;' for if the bare imitation of the British constitution was so good, why not give them, if possible, the thing itself? Why mock them with the shadow of a shadow, when their situation, in being still under a mild and liberal monarchy, rendered them capable of enjoying the substance? Nothing therefore seemed to be apprehended from the discontent of the American inhabitants.

The ancient Canadians were the next objects of consideration, and from their numbers entitled to the greatest attention. He asked, should we give them, as being Frenchmen, the new constitution of France?—a constitution founded on principles diametrically opposite to our own, as different from it as folly from wisdom, as vice from virtue; a constitution founded on what was called the rights of man? The authors of it had told us, and their partizans, the societies here, had told us, that it was a great monument erected for the instruction of mankind. This was certainly done not without a view to imitation. But before we proceeded to give it to our colonies, he thought that we should do well to consider what would probably be the practical consequences of such a step; to consider what had already been the effects of a similar experiment on the French West Indian colonies, where the new principles of Parisian politics had been introduced and propagated with ardour; that we might be enabled to form some idea of the blessings which we were about to confer. The mode of reasoning from effects to causes was the old-fashioned way. It had been adopted in experimental philosophy, and might with equal propriety be applied to the philosophy of the human mind. He should therefore use it now.

The French West Indies, notwithstanding three disastrous wars, were most happy and flourishing, till the fatal moment in which the rights of man arrived. Scarcely was this precious doctrine

received among them, when Pandora's box, replete with all mortal evils, seemed to fly open, hell itself to yawn, and every demon of mischief to overspread the face of the earth. Blacks rose against whites, whites against blacks, and each against the other in murderous hostility; subordination was destroyed, the cords of society torn asunder, and every man appeared to thirst for the blood of his neighbour. The mother country, not receiving any great degree of pleasure in contemplating this image of herself reflected in her child, sent out a body of troops, well instructed likewise in the new principles, to restore order and tranquillity. These troops, immediately upon their arrival, felt themselves bound to become parties in the general rebellion, and, like most of their brethren at home, began the assertion of their free-born rights, by murdering their general. In proof of these facts, he read the account given on the 25th of April in the national assembly itself. Should such an example, he asked, induce us to ship off for Canada a cargo of the rights of man?

But, lest it should be objected, that the disorders of the French West Indies originated in local causes, he proceeded to point out the deplorable condition of France itself. The national assembly had boasted that they would establish a fabric of government, which time could not destroy, and the latest posterity would admire. This boast had been echoed by the clubs of this country, the Unitarians, the revolution-society, the constitutional society, and the club of the 14th of July. The assembly had now continued nearly two years in possession of the absolute authority which they usurped; yet they did not appear to have advanced a single step in settling any thing like a government; but to have contented themselves with enjoying the democratic satisfaction of heaping every disgrace on fallen royalty. The constitution must be expected now, if ever to be nearly complete; to try whether it was good in its effects, he should have recourse to the last accounts of the assembly itself. They had a king such as they wished, a king who was no king; over whom the Marquis de la Fayette, chief gaoler of Paris, mounted guard. The royal prisoner having wished to taste the freshness of the country air, had obtained a day-rule to take a journey of about five miles from Paris. But scarcely had he left the city, before his suspicious governors, recollecting that a temporary release from confinement might afford him the means of escape, sent a tumultuous rabble after him; who, surrounding his carriage, commanded him to stop, while one of the grenadiers belonging to his faithful and loyal body guard, presented a bayonet to the breast of the fore-horse ——

Mr. Burke was here called to order by Mr. Baker. A long and extraordinary altercation ensued, in the course of which,

Mr. Fox rose and said, that he conceived his right honourable friend could hardly be said to be out of order. It seemed that this was a day of privilege, when any gentleman might stand up, select his mark, and abuse any government he

pleased, whether it had any reference or not to the point in question. Although no body had said a word on the subject of the French revolution, his right honourable friend had risen up and abused that event. He might have treated the Gentoo government, or that of China, or the government of Turkey, or the laws of Confucius, precisely in the same manner, and with equal appositeness to the question before the House. Every gentleman had a right that day to abuse the government of every country as much as he pleased, and in as gross terms as he thought proper, or any government, either antient or modern, with his right honourable friend.

Mr. Burke endeavoured several times to explain why he thought himself in order. At length Lord Sheffield moved, "That dissertations on the French constitution, and to read a narrative of the transactions in France, are not regular nor orderly on the question, that the clauses of the Quebec bill be read a second time, paragraph by paragraph." Mr. Fox seconded the motion. Mr. Pitt said he was glad of the motion, as it reduced the debate to something like order. He said, he considered the introduction of a discussion on the French constitution to rest on discretion and order, which were two distinct things; he explained their difference, and said, for his own part he would use no vehement language, nor any words that might give umbrage; not conceiving, however, that the right honourable gentleman was disorderly, he should certainly give his negative to the motion.

Mr. Fox said, he was sincerely sorry to feel that he must support the motion, and the more so, as his right honourable friend had made it necessary by bringing on, in so irregular a manner, a discussion of a matter by no means connected with the Quebec bill — in a manner which he could not help thinking extremely unfair, but which he must consider as a direct injustice to him. If the right honourable gentleman's argument over the way, with regard to order, was to obtain order, it was a mode of order that would go to stop every proceeding of that House, especially in committees. It was proper to debate the principle of a bill on the second reading of it; and referring to matter that might be analogous, much latitude would be required; the Quebec bill had been read a second time, and was decided. If gentlemen, therefore, when a bill was in a committee, would come down and state in long speeches, general answers to all possible objections, to clauses that might be proposed, but were never meant to be proposed, debates might be drawn to any imaginable length, and the business of the House suspended at the pleasure of any one of its members. The argument which some gen-

tleman might possibly move, that the chairman leave the chair, was applicable to every clause, and to every stage of the bill in the committee; and if on that account every species of volunteer argument was to be held in order, it would be impossible for business to proceed.

His right honourable friend, instead of debating the principle of the bill in any stage which was usual, had come down, not to debate the clauses, but to fortify misrepresentations of what he had said in a former debate, which his right honourable friend did not even hear. Order and discretion in debate, had been said to be distinct; with him, Mr. Fox declared, they never should be separate. Where the distinction lay he could not see, for he always conceived that order was founded on discretion. He was not in the habit of interrupting any gentleman on the point of order; because, unless the deviation from it was strong indeed, more time was often lost by calling to order, than by suffering gentlemen to proceed. But if he saw any discussion attempted to be introduced in a way not merely irregular, but unfair, he felt himself obliged to endeavour to stop it.

Much had been said on the present occasion, of the danger of theory and the safety of practice. Now, what had been the conduct of the gentleman who looked on theory with such abhorrence? Not to enter into a practical discussion of the bill clause by clause, and to examine whether it gave what it professed to give, the British constitution to Canada, but having neglected to have done his duty, and attended the proper stage of debating the principle, to enter into a theoretical enquiry of what the principle ought to be, and a discussion of the constitution of another country, respecting which it was possible that he might differ from him. If this was not manifest eagerness to seek a difference of opinion, and anxiety to discover a cause of dispute, he knew not what was; since if they came to the clauses of the bill, he did not think there would be any difference of opinion, or at most but a very trifling one. If his right honourable friend's object had been to debate the Quebec bill, he would have debated it clause by clause, according to the established practice of the House. If his object had been to prevent danger apprehended to the British constitution, from the opinions of any man, or any set of men, he would have given notice of a particular day for that particular purpose, or taken any other occasion of doing it, rather than that on which his nearest and dearest friend had been grossly misrepresented and traduced. That at least was the course which he should himself have taken, and was therefore what he naturally expected from another.

The course which his right honourable friend had chosen to take was that which seemed to confirm the insinuation urged against him—that of having maintained republican principles as applicable to the British constitution, in a former debate on the bill. No such argument had ever been urged by him, nor any from which such an inference was fairly deducible. On the French revolution he did, indeed, differ from his right honourable friend. Their opinions, he had no scruple to say, were wide as the poles asunder. But, what had a difference of opinion on that, which to the House was only matter of theoretical contemplation, to do with the discussion of a practical point, on which no such difference existed? On that revolution, he adhered to his opinion, and never would retract one syllable of what he had said. He repeated, that he thought it, on the whole, one of the most glorious events in the history of mankind. But, when he had on a former occasion mentioned France, he had mentioned the revolution only, and not the constitution; the latter remained to be improved by experience, and accommodated to circumstances. The arbitrary system of government was done away: the new one had the good of the people for its object, and this was the point on which he rested. This opinion, Mr. Fox said, he wished the time might come to debate, if opinions of his were again to be made the subject of parliamentary discussion. He had no concealment of his opinions; but if any thing could make him shy of such a discussion, it would be the fixing a day to catechize him respecting his political creed, and respecting opinions on which the House was neither going to act, nor called upon to act at all. He had been thus catechized in 1782, when a right honourable gentleman (Mr. Dundas) in the last stage of the then administration, had said, "Admitting this administration to be bad, where are you to find a better? Will you admit men into power, who say, that the representation of the people is inadequate, and whose principles would overturn the constitution?" On that occasion, he had found an able defender in a right honourable gentleman (Mr. Pitt,) whom he could not expect to be his defender that day; but who had in 1782 demanded in manly and energetic tones, "if the House would bear to be told, that the country was incapable of furnishing an administration more worthy of trust than that whose misconduct was admitted even by its advocates?" He might now have looked for a defender to another quarter, to the bench on which he sat, and been as much disappointed. Yet the catechizer on that occasion had soon after joined another ministry, and supported that very reform of the representation which he then deprecated as more dangerous to the constitution and

the country, than all the misfortunes of that administration! Were he to differ from his right honourable friend on points of history, on the constitution of Athens or of Rome, was it necessary that the difference should be discussed in that House? Were he to praise the conduct of the elder Brutus, and to say that the expulsion of the Tarquins was a noble and patriotic act, would it thence be fair to argue that he meditated the establishment of a consular government in this country? Were he to repeat the eloquent eulogium of Cicero on the taking off of Cæsar, would it thence be deducible, that he went with a knife about him for the purpose of killing some great man or orator? Let those who said, that to admire was to wish to imitate, shew that there was some similarity of circumstances. It lay on his right honourable friend to shew that this country was in the precise situation of France at the time of the French revolution, before he had a right to meet his argument; and then, with all the obloquy that might be heaped on the declaration, he should be ready to say, that the French revolution was an object of imitation for this country.

Instead of seeking for differences of opinion on topics — happily for the country — entirely topics of speculations, let them come to matter of fact, and of practical application; let them come to the discussion of the bill before them, and see whether his objections to it were republican, and in what he should differ from his right honourable friend. He had been warned by high and most respectable authorities, that minute discussion of great events, without information, did no honour to the pen that wrote, or the tongue that spoke the words. If the committee should decide that his right honourable friend should pursue his argument on the French constitution, he would leave the House: and if some friend would send him word, when the clauses of the Quebec bill were to be discussed, he would return and debate them. And when he said this, he said it from no unwillingness to listen to his right honourable friend: he always had heard him with pleasure, but not where no practical use could result from his argument. When the proper period for discussion came, feeble as his powers were, compared with those of his right honourable friend, whom he must call his master, for he had taught him every thing he knew in politics, (as he had declared on a former occasion, and he meant no compliment when he said so,) yet, feeble as his powers comparatively were, he should be ready to maintain the principles he had asserted, even against his right honourable friend's superior eloquence — to maintain, that the rights of man, which his right honourable friend had ridiculed as chimerical and visionary, were in fact the basis and foundation of every rational constitution, and even of the

British constitution itself, as our statute-book proved: since, if he knew any thing of the original compact between the people of England and its government, as stated in that volume, it was a recognition of the original inherent rights of the people as men, which no prescription could supersede, no accident remove or obliterate.

If such were principles dangerous to the constitution, they were the principles of his right honourable friend, from whom he had learned them. During the American war they had together rejoiced at the successes of a Washington, and sympathized almost in tears for the fall of a Montgomery. From his right honourable friend he had learned, that the revolt of a whole people could never be countenanced and encouraged, but must have been provoked. Such had at that time been the doctrine of his right honourable friend, who had said with equal energy and emphasis, that he could not draw a bill of indictment against a whole people. Mr. Fox declared he was sorry to find that his right honourable friend had since learnt to draw such a bill of indictment, and to crowd it with all the technical epithets which disgraced our statute-book, such as false, malicious, wicked, by the instigation of the devil, not having the fear of God before your eyes, and so forth. Having been taught by his right honourable friend, that no revolt of a nation was caused without provocation, he could not help feeling a joy ever since the constitution of France became founded on the rights of man, on which the British constitution itself was founded. To deny it, was neither more nor less than to libel the British constitution; and no book his right honourable friend could cite, no words he might deliver in debate, however ingenious, eloquent and able — as all his writings and all his speeches undoubtedly were — could induce him to change or abandon that opinion; he differed upon that subject with his right honourable friend *toto cælo*.

Having proceeded thus far, Mr. Fox declared he had said more than he had intended, possibly much more than was either wise or proper; but it was a common error arising from his earnestness to be clearly understood; but if his sentiments could serve the other side of the House, which had countenanced the discussion of that day, apparently in order to get at them, they had acted unnecessarily. They might be sure of him and his sentiments on every subject, without forcing on any thing like a difference between him and his right honourable friend; and having once heard them, they might act upon them as they thought proper.

Mr. Burke commenced his reply in a grave and governed tone of voice, observing, that although he had himself been repeatedly called to order, he had nevertheless heard Mr. Fox with perfect composure, and without the least interruption. He hoped that the temper, which was essentially requisite on an emergency of this important kind, would attend him through this painful contention; yet he trusted that if in the warmth of his observations, an expression should drop which might imply severity, it would be imputed to his zeal, and to the anxiety of his mind, agitated as it was, and not to any intention of personal reproach to any individual whatsoever. The speech, he remarked, to which he was to reply, was perhaps one of the most disorderly ever delivered in that House. His public conduct, words, and writings, had not only been misrepresented and arraigned in the severest terms, but confidential conversations had been unfairly brought forward for the purpose of attempting to prove his political inconsistency. Such were the instances of kindness which he had received from one whom he always considered as his warmest friend; but who after an intimacy of more than two-and-twenty years, had at last thought proper, without the least provocation, to commence a personal attack upon him. He could not conceive that the manner, in which Mr. Fox had accused him of having spoken without information, and unsupported by facts, appeared to manifest any great degree of tenderness towards him. On the subject however of the French revolution, uninformed as he might be supposed to be, he had not the least objection to meet that right honourable gentleman hand to hand, and foot to foot, in a fair and temperate discussion. But this it seemed was not the principal ground of quarrel; he was accused of having attempted to bring forward a discussion of French principles, in order to fix a stigma upon certain republican opinions, which Mr. Fox was said to have advanced in a former debate. This charge he denied in the most positive terms; and solemnly declared, that he had made no reference whatever to any of Mr. Fox's speeches; but that he had argued, as on every other occasion, in a plain and simple manner. Mr. Fox himself was no stranger to the subject, which he had proposed to introduce in that night's debate. He had previously to the last conversation on the Canada bill opened to Mr. Fox very fully and particularly the plan of the speech in which he had now been interrupted; he had explained how far he intended to go, and what limits he meant to impose upon himself, and had shewn him all the books, pamphlets, and reports, which his friend had now supposed him not to have read. This he had done at his own house, from whence they had walked down together to that House, conversing upon the subject the whole way. Mr. Fox had then indeed disagreed with him in opinion, but entered into no quarrel with him. He had rather been treated with confidence, and some private circumstances of a political complexion had been mentioned to him, to which, notwithstanding what had since happened, he felt no inclination to allude.

For a variety of reasons he confessed that he wished to introduce

the subject of the French constitution, which he thought that he might have done perfectly in order. In the first place, he felt desirous of pointing out the danger of perpetually extolling that preposterous edifice upon all occasions, and in the highest strain. Mr. Fox had himself termed it "the most stupendous and glorious edifice of liberty which had been erected on the foundation of human integrity in any time or country." A second motive, which had, indeed, some little influence over him, was of a more personal nature. He had been accused both of writing and speaking of the late proceedings in France rashly, unadvisedly, and wantonly. This charge he was certainly anxious to refute; but at the very time when he was about to produce facts in corroboration of his assertions, blended with private information and respectable authorities, he was stopped in the most unfair and disorderly manner. Had he been permitted to continue his speech, he would have shewn, that the issue of all that had been done, and of all that was then doing in France, could never serve the cause of liberty, but would inevitably tend to promote that of tyranny, oppression, injustice, and anarchy.

But what principally weighed with him, and determined him in his conduct, was the danger that threatened our own government, from practices, which were notorious to all the world. Were there not clubs in every quarter, who met and voted resolutions of an alarming tendency? Did they not correspond, not only with each other in every part of the kingdom, but with foreign countries? Did they not preach in their pulpits doctrines which were dangerous, and celebrate at their anniversary meetings proceedings incompatible with the spirit of the British constitution? Did they not every where circulate, at a great expence, the most infamous libels on that constitution? At present he said that he apprehended no immediate danger. The king was in full power, possessed of all his functions; his ministers were responsible for their conduct; the country was blest with an opposition of strong force; and the common people themselves seemed to be united with the gentlemen in a column of prudence. Nevertheless he maintained, there was still sufficient cause for jealousy and circumspection. In France there were 300,000 in arms, who at a favourable moment might be happy to yield assistance; besides, a time of scarcity and tumult might come, when the greatest danger was to be dreaded from a class of people, whom we might now term low intriguers, and contemptible clubhists.

He again adverted to the unkindness with which Mr. Fox had treated him, who had ripped up the whole course and tenour of his public and private life, with a considerable degree of asperity. The right honourable gentleman, after having fatigued him with skirmishes of order, which were wonderfully managed by the light infantry of opposition, then brought down upon him the whole strength and heavy artillery of his own judgment, eloquence, and abilities, to overwhelm him at once. In carrying on the attack against him, the right honourable gentleman had been supported by a corps of well-disciplined troops, expert in their manœuvres,

and obedient to the word of their commander *. — [*Mr. Grey here called Mr. Burke to order, conceiving that it was disorderly to mention gentlemen in that way, and to ascribe improper motives to them.*] Mr. Burke proceeded to remark, that he had frequently differed from Mr. Fox in former instances, particularly on the subject of a parliamentary reform, of the dissenters' bill, and of the royal marriage act; but that no one difference of opinion had ever before for a single moment interrupted their friendship. It certainly was indiscreet at his time of life to provoke enemies, or give his friends occasion to desert him; yet if his firm and steady adherence to the British constitution placed him in such a dilemma, he would risk all; and as public duty and public prudence taught him, with his last breath, exclaim, "Fly from the French constitution!" [*Mr. Fox whispered, that there was no loss of friendship.*] Mr. Burke replied, *Yes, there was — he knew the price of his conduct — he had done his duty at the price of his friend — their friendship was at an end.* Afterwards, addressing himself to the two right honourable gentlemen who were the great rivals in that House, he expressed a hope, that, whether they hereafter moved in the political hemisphere as two flaming meteors, or walked together like brethren hand in hand, they would preserve and cherish the British constitution; that they would guard against innovation, and save it from the danger of those new theories. In a rapturous apostrophe to the infinite and unspeakable power of the Deity, who, with his arm, hurled a comet like a projectile out of its course — who enabled it to endure the sun's heat, and the pitchy darkness of the chilly night; he said, that to the Deity must be left the task of infinite perfection, while to us poor, weak, incapable mortals, there was no rule of conduct so safe as experience. He concluded with moving an amendment, that all the words of the motion, after "dissertations on the French constitution," should be omitted, and the following inserted in their room: — "tending to shew that examples may be drawn therefrom; and to prove that they are insufficient for any good purposes, and that they lead to anarchy and confusion, and are consequently unfit to be introduced into schemes of government, are improper to be referred to on a motion for reading the Quebec bill paragraph by paragraph."

Mr. Fox rose to reply; but his mind was so much agitated and his heart so much affected by what had fallen from Mr.

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* "It is probable that a little incident which happened in the course of Mr. Burke's reply contributed to draw from him the expressions considered as disorderly by Mr. Grey. In his speech Mr. Fox had intimated an intention of leaving the House, if the committee should suffer Mr. Burke to proceed. While the latter gentleman was speaking, the former, being perhaps now resolved on a rejoinder, accidently went towards the lobby for some trifling refreshment, with which he soon after returned to his place. But in the mean time about twenty or thirty gentlemen, of those most personally attached to him, mistaking his departure for the execution of his declared intention, rose from their seats, and followed him out of the House." Annual Register for 1791, p. 126.

Burke, that it was some minutes before he could proceed. Tears trickled down his cheeks, and he strove in vain to give utterance to feelings that dignified and exalted his nature. The sensibility of every member in the House appeared uncommonly excited upon the occasion. Recovered at length from the depression under which he had risen, Mr. Fox proceeded to answer the assertions which had caused it.

He said, that however events might have altered the mind of his right honourable friend, for so he must call him notwithstanding what had passed, — because, grating as it was to any man to be unkindly treated by those who were under obligations to him, it was still more grating and painful to be unkindly treated by those to whom they felt the greatest obligations, and whom, notwithstanding their harshness and severity, they found they must still love and esteem — he could not forget, that when a boy almost, he had been in the habit of receiving favours from his right honourable friend, that their friendship had grown with their years, and that it had continued for upwards of five-and-twenty years, for the last twenty of which they had acted together, and lived on terms of the most familiar intimacy. He hoped, therefore, that notwithstanding what had happened that day, his right honourable friend would think on past times, and, however any imprudent words or intemperance of his might have offended him, it would shew that it had not been at least intentionally his fault. His right honourable friend had said, and said truly, that they had differed formerly on many subjects, and yet it did not interupt their friendship. Let his right honourable friend speak fairly and say, whether they could not differ, without an interruption of their friendship, on the subject of the French revolution, as well as on any of their former subjects of difference. He enumerated, severally, what those differences of opinion had been, and appealed to his right honourable friend, whether their friendship had been interrupted on any one of those occasions. In particular, he said, on the subject of the French revolution, the right honourable gentleman well knew that his sentiments differed widely from his own; he knew also, that as soon as his book on the subject was published, he condemned that book both in public and private, and every one of the doctrines it contained.

Mr. Fox again said, that he could not help feeling that his right honourable friend's conduct appeared as if it sprung from an intention to injure him, at least it produced the same effect, because the right honourable gentleman opposite to him had chosen to talk of republican principles as principles which he wished to be introduced into the new constitution of

Canada, whereas his principles were very far from republican in any degree. If, therefore, his right honourable friend had thought it necessary to state to the House his sentiments on the French revolution, he might have done it on any other occasion, with less injury to him, than on the Quebec bill, because his doing it then, confirmed and gave weight to the misrepresentation of the right honourable gentleman opposite to him, and not only that, it put it out of his power to answer him properly. Besides he had, as every other man must have, a natural antipathy and dislike to being catechised as to his political principles. It was, he said, the first time that ever he had heard a philosopher state, that the way to do justice to the excellence of the British constitution was never to mention it without at the same time abusing every other constitution in the world. For his part, he had ever thought that the British constitution in theory was imperfect and defective, but that in practice it was excellently adapted to this country. He had often publicly said this; but because he admired the British constitution, was it to be concluded that there was no part of the constitution of other countries worth praising, or that the British constitution was not still capable of improvement? He, therefore, could neither consent to abuse every other constitution, nor to extol our own so extravagantly as the right honourable gentleman seemed to think it merited. As a proof that it had not been thought quite perfect, let the two only reforms of it be recollected that had been attempted of late years; the reform relative to the representation in parliament of the right honourable the chancellor of the exchequer, in 1783, and the reform in the civil list by his right honourable friend. Was it expected that he should declare the constitution would have been more perfect or better without either of those two reforms? To both had he given his support, because he approved both; and yet they were both tests, one to retrench the influence of the crown, the other to enlarge the representation in that House; and would his right honourable friend say that he was a bad man for having voted for both? He was, Mr. Fox said, an enemy to all tests whatever, as he had hitherto thought the right honourable gentleman was, and therefore he objected to any man's being expected to have his political principles put to the test, by his being obliged to abjure every other constitution but our own. Such a mode of approving one's zeal for the latter, reminded him of the man who signed the thirty-nine articles, and said he wished there were a hundred and thirty nine more, that he might have signed them too, to prove his orthodoxy.

Nothing but the ignominious terms which his right honourable friend had that day heaped on him.—[*Mr. Burke said loud enough to be heard, that he did not recollect he had used any.*] "My right honourable friend," said Mr. Fox, "does not recollect the epithets: they are out of his mind: then they are completely and for ever out of mine. I cannot cherish a recollection so painful, and, from this moment, they are obliterated and forgotten." Mr. Fox then pursued his argument, and expressed his surprise that his right honourable friend had talked of the friends who sat near him as a phalanx, and as disciplined troops: if by that he meant that any improper influence had been exercised, or attempted to be exercised, on their minds, he disclaimed the idea; and indeed his right honourable friend best knew, so long as he had acted with them, when any such influence had been exercised over his own mind. He declared he could not but be sorry that such a character of a party, linked together on the most honourable principles, should come from one of their own corps. He had imagined, that his right honourable friend knew more of them than to impute such conduct to men of their description. The fact was, Mr. Fox said, that, upon his honour, no one of the honourable gentlemen near him, who had risen that day and called his right honourable friend to order, had been desired by him to do so; on the contrary, wherever he thought he was likely to have his application complied with, he had earnestly intreated his friends not to interrupt the right honourable gentleman.

He admitted that no friendship should exist in the way of public duty; and if his right honourable friend thought he did service to the country by blasting the French revolution, he must do so, but at the time, he must allow others, who thought differently, to act in a different manner. Mr. Fox alluded to what Mr. Burke had quoted from Montesquieu, and declared he agreed with Montesquieu in his observation on the British constitution, but could not admit that Montesquieu meant to say that it was a model for all other countries. If he referred to what had passed in 1780, the right honourable gentleman would say that he raked into all the transactions of his life. Mr. Fox declared he would not, unless it redounded to his right honourable friend's honour, and to the glory of his character. And where could he find the incident that did not? In the year 1780, it had been the opinion of that House, "that the influence of the crown had increased, was increasing, and ought to be diminished." His right honourable friend had subscribed to that resolution, and thereby declared, that the constitution was not perfect without such reduction. And would his right honourable

friend not grant to the French the same right that he had himself exercised? If the influence of the British crown, which consisted in the civil list, in the army, navy, and the power of giving places and honours, was so great as to be thought dangerous, what, in the eyes of reflecting Frenchmen, must have been the extravagant influence of the crown of France? With a civil list ten times as large as ours; with a navy almost as large; an army tenfold; a church more than tenfold; must they not, as we had done, pursue the course of diminishing its power? When, in addition to this, they had to deplore the degree of corruption and despotism into which the whole of their government had fallen, was it not right that they should endeavour to better their condition, and to extricate themselves from their misery and slavery?

His right honourable friend had said, that they must not hear of the French constitution, because it was diametrically opposite to ours. How that could be, he could not easily comprehend. His right honourable friend had also asserted, that evil must not be done, that good might come out of it; that must be left to God alone. What, Mr. Fox asked, did his right honourable friend think of the occasion of war? War, in itself, was certainly an evil, civil war a moral evil, and yet war was often commenced, that good might come out of it. If original rights were totally to be disregarded, Mr. Fox said, he should contend that the resistance of the parliament to Charles the First, and the resistance of 1688, had been very unjustifiable. But the original rights of men were, in his opinion, the foundation of all governments and all constitutions, which were a compact between the governors and the governed, binding on both sides. He would not say that the government of France was good. It was undoubtedly capable of improvement, and would be amended by degrees. How, he asked, did we make our own government? By sending to Greece or Rome for a pattern for our constitution? No! but by gradually improving our government, which was bad at first, and which grew better in proportion as experience suggested alteration. The French would in time experience the defects of their government, and would have the same opportunities of correcting it.

With regard to his right honourable friend's enthusiastic attachment to our constitution, in preference to all others, did he remember when his majesty's speech was made in 1783, on the loss of America, in which his majesty lamented the loss the provinces had sustained, in being deprived of the advantages resulting from a monarchy, how he had ridiculed that speech, and compared it to a man's opening the door after he

had left a room, and saying, " at our parting, pray let me recommend a monarchy to you." In that ridicule, Mr. Fox said, he had joined heartily at the time. The French, he observed, had made their new government on the best of all principles of a government, namely, the happiness of the people who were to live under it. The French, it should be considered, were a great nation; they were inferior to England only, in arts, arms, the powers of reasoning, &c. Was it not joyful, then, that she should have cast off the tyranny of the most horrid despotism, and become free? Surely, we did not wish that liberty should be engrossed by ourselves! If his right honourable friend talked of light and shade, Mr. Fox said, there was no shade so proper for the people of this country, as the departed despotism of France; of which, though no longer in existence, we seemed still to be afraid; and the French themselves, from a dread of the return of the spectre, did many things which appeared extravagant and absurd to us, who were cool observers of the scene passing in France. A ludicrous image of this was given by our great dramatic poet, when he made Falstaff say, " I fear this gunpowder Percy, although he be dead." The right honourable gentleman has said, that he shall lose my friendship, (continued Mr. Fox,) but that I assure him he shall not lose. He has also said, he shall lose the friendship of the friends around him, because he stands up for the constitution of this country. I, however, hope that my friends are as fond of that constitution as the right honourable gentleman is, and that the example of France will make them cautious not to run into the same errors, and give the same provocation to the people.

With regard to tests, Mr. Fox said, he would not believe his right honourable friend had altered his sentiments on that head, till he saw him voting for one. France had established a complete unequivocal toleration, and he heartily wished that a complete toleration was also established in England. Because troubles had happened at the time the French were changing their constitution, should we say that they would also happen in England, were any alteration made in our constitution? He must contend for the contrary; and as he thought that the British constitution was capable of improvements, so did he think the greatest improvements might be engrafted on it by degrees, with success, and without any violation of the public tranquillity.

Mr. Fox said, he lamented the difference that had happened, but he hoped, that when his right honourable friend came to turn in his mind all the circumstances that had occasioned it, he would forget what was past. His right honour-

able friend had said, that if he were to quote some of his expressions on particular occasions, he could prove his inconsistency. Mr. Fox acknowledged that no member of that House was more apt to let expressions fall which, perhaps, were rash and imprudent, than he was. He knew he had done so; but his right honourable friend never let any thing fall but what did him honour, and might be remembered to his credit. Mr. Fox now proceeded to speak of the reasons which had induced his right honourable friend and himself to enter into a systematic opposition to the present administration. This was not, he said, for the purpose of obtaining power and emolument by the means of a faction, but he had ever understood that they and their friends had formed a party for supporting the true principles of the British constitution and watching the prerogative. After expatiating on this, Mr. Fox said, "Let the right honourable gentleman maintain his opinions, but let him not blame me for having mine." He then noticed the cruel and hard manner in which his right honourable friend had used him, and spoke feelingly of the pain it had given him. The course he should pursue, he said, would be to keep out of his right honourable friend's way, till time and reflection had fitted his right honourable friend to think differently upon the subject; and then, if their friends did not contrive to unite them, he should think their friends did not act as they had a right to expect at their hands. If his right honourable friend wished to bring forward the question of the French revolution on a future day, in that case he would discuss it with him as temperately as he could; at present he had said all that he thought necessary, and let his right honourable friend say what he would more upon the subject, he would make him no farther reply.

Mr. Burke again rose. He began with remarking, that the tenderness which had been displayed in the beginning and conclusion of Mr. Fox's speech, was quite obliterated by what had occurred in the middle part. He regretted, in a tone and manner of earnestness and fervency, the proceedings of that evening, which he feared might long be remembered by their enemies to the prejudice of both. He was unfortunate to suffer the lash of Mr. Fox, but he must encounter it. Under the mask of kindness a new attack, he said, was made upon his character and conduct in the most hostile manner, and his very jests brought up in judgment against him. He did not think the careless expressions and playful triflings of his unguarded hours would have been recorded, mustered up in the form of accusations, and not only have had a serious meaning imposed upon them, which they were never intended to bear, but one totally inconsistent with any fair and candid interpretation. Could his most inveterate enemy have acted more unkindly towards him? The event of that night's debate, in which

he had been interrupted without being suffered to explain, in which he had been accused without being heard in his defence, made him at a loss to understand what was either party or friendship. His arguments had been misrepresented. He had never affirmed that the English, like every other constitution, might not in some points be amended. He had never maintained, that to praise our own constitution, the best way was to abuse all others. The tendency of all that had been said, was to represent him as a wild inconsistent man, only for attaching bad epithets to a bad subject.

With the view of shewing his inconsistency, allusions had been made to his conduct respecting his economical reform in 1780, the American war, and the questions of 1784; but none of these applied. If he thought, in 1780, that the influence of the crown ought to be reduced to a limited standard, and with which Mr. Fox himself, at the time, seemed to be satisfied, it did not follow that the French were right in reducing it with them to nothing. He was favourable to the Americans, because he supposed they were fighting not to acquire absolute speculative liberty, but to keep what they had under the English constitution; and as to his representation to the crown in 1784, he looked back to it with self-gratification, still thinking the same. Yet he knew not how to devise a legislative cure for the wound then inflicted, as it came from the people, who were induced to decide for the crown, against the independence of their own representatives. The inconsistency of his book with his former writings and speeches, had been insinuated and assumed, but he challenged the proof by specific instances; and he also asserted, that there was not one step of his conduct, nor one syllable of his book, contrary to the principles of those men with whom our glorious revolution originated, and to whose principles, as a Whig, he declared an inviolable attachment. He was an old man, and seeing what was attempted to be introduced instead of the ancient temple of our constitution, could weep over the foundation of the new.

He again stated, still more particularly, the endeavours used in this country to supplant our own by the introduction of the new French constitution; but he did not believe Mr. Fox at present had that wish, and he did believe him to have delivered his opinions abstractedly from any reference to this country: yet their effect might be different on those who heard them, and still more on others through misapprehension or misrepresentations. He replied to the grounds on which Mr. Fox explained his panegyric. The lesson to kings, he was afraid, would be of another kind. He had heard Mr. Fox own the King of France to be the best intentioned sovereign in Europe. His good nature and love of his people had ruined him. He had conceded every thing, till he was now in a jail. The example of the confusions, on the other hand, would have very little operation, when it was mentioned with tardy and qualified censure, while the praises of the revolution were trumpeted with the loudest blasts through the nation. He observed, that Mr. Fox himself had termed the new French system a most stupendous and glorious fabric of human integrity. He had really conceived, that the right honourable gentleman pos-

sessed a better taste in architecture, than to bestow so magnificent an epithet upon a building composed of untempered mortar. He considered it as the work of Goths and Vandals, where every thing was disjointed and inverted.

Mr. Burke again expressed his sorrow for the occurrences of that day; yet if the good were to many, he said that he would willingly take the evil to himself. He sincerely hoped that no member of that House would ever barter the constitution of his country, that eternal jewel of his soul, for a wild and visionary system, which could only lead to confusion and disorder. — Mr. Pitt, after having made some remarks upon the singular situation, in which the House then stood with respect to the question before it; and having declared his own opinion to be, that Mr. Burke had not been, even in the first instance, at all out of order, suggested the propriety of withdrawing the motion which had been made by Lord Sheffield. This being agreed to, the chairman reported progress, and asked leave to sit again.

May 11.

The House went again into a committee on the bill. Nothing material occurred till the clause relative to the constitution of the legislative council was read, when,

Mr. Fox rose to oppose the clause, and object to the mode of appointing the council. He said, that he would throw out generally his ideas as to the means of substituting what he could not but conceive to be a better mode of appointing a council, than the mode adopted in the clause as it stood. First, he laid it down as a principle never to be departed from, that every part of the British dominions ought to possess a government, in the constitution of which monarchy, aristocracy, and democracy were mutually blended and united; nor could any government be a fit one for British subjects to live under, which did not contain its due weight of aristocracy, because that he considered to be the proper poise of the constitution, the balance that equalized and meliorated the powers of the two other extreme branches, and gave stability and firmness to the whole. [A loud cry of Hear! hear!] It became necessary to look what were the principles on which aristocracy was founded, and he believed it would be admitted to him, that they were two-fold, namely, rank and property, or both united. In this country, the House of Lords formed the aristocracy, and that consisted of hereditary titles, in noble families of ancient origin, or possessed by peers newly created, on account of their extended landed property.

Mr. Fox said, that prejudice for ancient families, and that sort of pride which belonged to nobility, was right to be encouraged in a country like this, otherwise one great incentive to virtue would be abolished, and the national dignity, as well as its domestic interest, would be diminished and weakened. There was also such a thing to be remembered, which gave additional honour to our House of Lords, as long established respect for the persons and families of those who, in consequence either of their own superior talents and eminent services, or of one or both in their ancestors, constituted the peerage. This, he observed, was by no means peculiar to pure aristocracies, such as Venice and Genoa, nor even to despotic or to mixed governments. It was to be found in democracies, and was there considered as an essential part of the constitution; affection to those whose families had best served the public, being always entertained with the warmest sincerity and gratitude. Thus in the ancient republics of Athens and of Rome, they all knew the respect paid to those who had distinguished themselves by their services for the commonwealth.

Upon every ground of consideration, therefore, it would be wise, and what was more, indispensably necessary, that an aristocracy should make a branch of the constitution for Canada; it was undoubtedly equally important with either the popular or the monarchical. But then the nature of the case must be considered; and he should therefore not advise the giving Canada a servile imitation of our aristocracy, because we could not give them a House of Lords like our own. The right honourable the chancellor of the exchequer appeared to be aware of this, and therefore he had recourse to a substitute for hereditary nobility. It was, however, he must contend, a very inadequate substitute, it was a semblance but not a substance. Lords, indeed, we might give them, but there was no such thing as creating that reverence and respect for them, on which their dignity and weight in the view of both the popular and monarchical part of the constitution depended, and which alone could give them that power of controul and support that was the object of their institution. If Canada should grow into a great and flourishing colony, (and he trusted that it would,) as it was removed at such a distance from the principal seat of parliament, it was the more necessary to make the council, in a considerable degree, independent of the governor and the people; because, the province being so far off, the power of controul could not be properly exercised by that House, with a view to the calling upon the responsibility of ministers, and punishing them for any abuse of the prerogative, by

giving wrong advice to the council, through the medium of the governor. This was, he said, a clear argument why the council ought not to be appointed by the crown.

Property, Mr. Fox said, was, and had ever been held to be the true foundation of aristocracy. And when he used the word aristocracy, he did not mean it in the odious sense of aristocrat, as it had been lately called — with that he had nothing to do. He meant it in its true sense, as an indispensably necessary part of a mixed government, under a free constitution. Instead, therefore, of the king's naming the council at that distance — in which case they had no security that persons of property, and persons fit to be named, would be chosen — wishing, as he did, to put the freedom and stability of the constitution of Canada on the strongest basis, he proposed that the council should be elective. But how elective? Not as the members of the house of assembly were intended to be, but upon another footing. He proposed that the members of the council should not be eligible to be elected unless they possessed qualifications infinitely higher than those who were eligible to be chosen members of the house of assembly, and in like manner the electors of the members of council must possess qualifications also proportionably higher than those of the electors to representatives in the house of assembly. By this means, Mr. Fox said, they would have a real aristocracy chosen by persons of property from among persons of the highest property, and who would thence necessarily possess that weight, influence, and independency, from which alone could be derived a power of guarding against any innovations that might be made, either by the people on the one part, or the crown on the other.

In answer to this proposition, Mr. Fox observed, it might possibly be said to him, if you are decidedly in favour of an elective aristocracy, why do you not follow up your own principle, and propose to abolish the House of Lords, and make them elective? For this plain reason, because the British House of Lords stood on the hereditary, known, and acknowledged respect of the country for particular institutions; and it was impossible to put an infant constitution upon the same footing. It would be as ridiculous to say, you shall have a House of Lords like that in England, as for a person in his closet to make and say what degree of reverence and respect should belong to them. From what he had said, Mr. Fox remarked, that he might possibly be deemed an advocate for aristocracy singly; he might, undoubtedly, with as much reason as he had been called a republican. Those who had pretended that he was a favourer of democratical

principles, had surely read very little, and little understood the subject. He mentioned the American governments, and said, he thought they had acted wisely, when upon finding themselves reduced to the melancholy and unfortunate situation of being obliged to change their governments, they had preserved as much as they possibly could of the old form of their governments, and thus made that form of government which was best for themselves; most of which consisted of the powers of monarchy, aristocracy, and democracy blended, though under a different name. In order to shew that his idea of an elective council was not a new one, he said that before the Revolution, more of the councils in our colonies were elected by the people than the king.

Mr. Fox said, he had thus generally stated the outline of his proposition, upon which he did not mean to take the sense of the committee, unless it should be the general opinion that it ought to be adopted. If he did take the sense of the committee, and their sense should be against him, he should then propose that the council should either be all at the nomination of the king, or all hereditary. He believed that any council chosen in any manner would be better than none; to have them elective as he had stated, he seriously thought would be best, but it would be more detrimental than even the not having an elective council, that the governor should be left to himself, to decide alone. He remembered it had been once said, when talking of representation, that any five hundred and fifty-eight gentleman who could be first stopped at Hyde-park turnpike, and assembled in that House, would be of as much service to the people as they were. Mr. Fox said, he by no means agreed with the proposition, or any one equally extravagant; but many were always a check to one, and a governor might decide in his closet upon a measure so foolish and so wicked, that he would not have the face to state to any number of persons. The very circumstance of a governor being obliged to have his opinion canvassed by many, was a positive advantage; and discussion, he was satisfied, always produced good. After putting this pointedly, he said, if there were to be hereditary members of the council, they ought all to be so. The check upon making peers here he had ever considered as attended with this advantage, that when the king made a peer, he recollected that he entailed an hereditary legislature on the country. A doubt existed, Mr. Fox said, whether the king had a right to make a peer for life, without his title being hereditary, and at this time he understood there was such a juridical question collaterally existing in the House of Lords, which was a clear proof that the practice

was unknown. If the crown had such a power, the life peers might overwhelm the hereditary peerage, and thus destroy the constitutional controul of the aristocracy, in case they attempted to resist the crown. Thus under pretence of aristocracy, lords might be introduced as mere tools of the minister, and give government an opportunity to destroy the constitution, and exercise despotic power in the most open shape. If, however, such a use of the prerogative should be exerted, he had no doubt but it would be soon remedied.

In the province of Canada, Mr. Fox continued to observe, the introduction of nobility was peculiarly improper, for a variety of reasons. In fact, there was a sort of nobility there already, namely, the Seigneurs, who were utterly unfit, and were not respected enough to be made hereditary nobles. And yet would ministers, he asked, pass by the real nobility of the country, the Seigneurs, and create a set of people over them, whom the world called nobility, and invest them with hereditary honours? By the bye, the sort of titles meant to be given were not named in the bill; he presumed the reason was, that they could not be named without creating laughter. Having thus gone through his proposition, Mr. Fox generally remarked, that so necessary was aristocracy to all governments, that, in his opinion, the destruction of all that had been destroyed, could be proved to have arisen from the neglect of the true aristocracy, upon which it depended whether a constitution should be great, energetic, and powerful. He explained that he was so far a republican, that he approved all governments where the *res publica* was the universal principle, and the people, as under our constitution, had considerable weight in the government. Mr. Fox concluded with declaring emphatically, that true aristocracy gave a country that sort of energy, that sort of spirit, and that sort of enterprize which always made a country great and happy.

Mr. Burke desired the protection of the House to the situation in which he stood. He found that sentence of banishment from his party had been pronounced against him*. The House, he

* See Appeal from the New to the Old Whigs, Burke's Works, Vol. vi. p. 34. The following paragraph appeared in the Morning Chronicle of the 12th of May 1791:—"The great and firm body of the Whigs of England, true to their principles, have decided on the dispute between Mr. Fox and Mr. Burke; and the former is declared to have maintained the pure doctrines by which they are bound together, and upon which they have invariably acted. The consequence is, that Mr. Burke retires from parliament."

hoped, would not consider him as a bad man, although he had been banished by one party, and was too old to seek another. Being thus, without any just cause, separated from his former friends, he confessed that he severely felt his loss; but that, what he felt like a man, he would bear like a man. He trusted, at least, that he should meet a fair and open hostility, to which he would oppose himself with manly firmness, for the very short period that he should continue a member of that House. He then once more asserted the purity of his motives; and complained of the imputatations thrown upon his conduct. And as to the charge of abusing republics, in order to recommend monarchy, he affirmed that he had never abused any republic, ancient or modern, but he had not termed France a republic: no, it was an anomaly in government; he knew not by what name to call it, nor in what language to describe it. It was a compound (and he recited the verses from Milton) of the sublimely obscure and tremendous figure of death, having the likeness of a kingly crown upon the seeming head, with the cry of hell-hounds, that bark unceasingly round the waist of sin. It was a shapeless monster, born of hell and chaos. On the subject of the clause, he contended, that in a monarchy the aristocracy must ever be nearer to the crown than to the democracy, because it originated in the crown as the fountain of honour; but in those governments which partook not of any thing monarchical, the aristocracy there necessarily sprang out of the democracy. He denied property to be the sole foundation of aristocracy. He pointedly condemned a close, and praised an open, aristocracy. The power of rewarding virtue and talents by a peerage, he considered as a royal prerogative of the most beneficial kind. He entered into an analysis of the House of Lords; and finally objected to the council proposed by Mr. Fox, which he thought in fact to be of a democratical constitution. Neither did he find any recommendation of it from experience; and in proof of this, he went at length into the constitutions of the American colonies before their independence, shewing that all equally rebelled. He afterwards recurred to his own situation; and defining the distinction between a faction and a party, declared, that he might be of a faction, but could not be of a party with those who continued to reprobate the principles of his book. He then touched on some other points personal to himself. He complained of being obliged to stand upon his defence by that right honourable gentleman who, when a young man, in the vigour of his abilities, at the age of fourteen years, had been brought to him, and evinced the most promising talents, which he had used his best endeavours to cultivate; and this man who had arrived at the maturity of being the most brilliant and powerful debater that ever existed, had described him as having deserted and abandoned every one of his principles! In saying what he had upon the subject, he was conscious that he had done his duty; and hoped that he had in some measure averted, what might otherwise have affected the downfal of our justly boasted constitution—supported by such reflections, he was not deprived of consolation, although excluded from his party; a

gloomy solitude might reign around him, but all was unclouded sunshine within.

Mr. Fox said, in reply, that however the right honourable gentleman might be unkind enough to impute democratical or republican sentiments to him, he could assure him that his sentiments, whether on religion or any other topic, always made a due impression on his mind. He said, that he did not like bestowing fulsome and unnecessary praises on the English constitution; they reminded him of a passage in one of our best poet's best plays; he meant, he said, King Lear; who asks his three daughters how much they love him? Goneril and Regan answer him in terms of the most extravagant and studied panegyric; but when he puts the same question to Cordelia, she answers just as he would answer the same sort of question, if it were put to him respecting the constitution, when he should say, he loved the constitution of Great Britain just as much as a subject of Great Britain ought to love a government under which he enjoyed such blessings. They were all, Mr. Fox said, bound to love a constitution under which they lived happily, and whenever it should really be attacked, all he should say was, that he would not be found the most inactive in its defence. With regard to the right honourable gentleman's declaration, that he was separated from the party, if he was so separated, it must be his own choice; and if he should repent that separation, he might be assured his friends would ever be ready to receive him, to respect him, and to love him, as heretofore. With regard to the situation of the seignories in Canada, the right honourable gentleman had shewn himself weak in that part of his argument, and had evaded an answer; and the right honourable gentleman on the same bench with him was utterly and completely ignorant of the fact — he did not mean ignorant in an invidious sense of the word. Let the two right honourable gentlemen enquire farther, and they would find that he was right in his declaration, because there was no stuff to ingraft hereditary honours upon, no rank of persons at all qualified to receive those honours. The right honourable gentleman near him, Mr. Fox observed, had said he preferred an open aristocracy to a close one; he would shew that the sort of aristocracy that he had recommended could not be a close aristocracy, which he disapproved as much as the right honourable gentleman himself. With regard to the declaration of the right honourable gentleman near him, that the whole must be governed by experience — experience was, undoubtedly, a very good general guide in most matters, but it was rather a strange argument to resort to in the present instance,

for which there never had existed a precedent. There was no colony, ancient or modern, that ever had precisely the same constitution: it resembled that of some of the American states, but that of Massachusets the most nearly of any.

Mr. Fox then took notice of Mr. Pitt's having said, that his principles were so far republican as he had described. Mr. Fox declared he had no difficulty to admit that his principles were so far republican, that he wished rather to give the crown less power and the people more, where it could be done with safety, in every government old or new; and from that principle it was, that whenever any bills for that purpose had been introduced, he had given them his support, and the right honourable gentleman opposite to him, he observed, had maintained republican principles, according to his own mode of defining the word republican; for he had made several propositions of that kind to the House, and it was well known that the right honourable gentleman near him had done the same; they were equally chargeable, therefore, with republican principles; and to the extent that he had described, Mr. Fox said, he was extremely willing, nay, desirous, to remain chargeable. With regard to foreign colonies, he was of opinion that the power of the crown ought to be kept low. It was impossible to foresee what would be the fate of distant colonies at a distant period of time; but in giving them a constitution, his idea was, that it was our interest, as well as our duty, to give them as much liberty as we could, to render them happy, flourishing, and as little dependent as possible. We should make the free spirit of our own constitution applicable, wherever we could render it so; and if there was any risk or danger in so doing, he was persuaded the danger was not greater on one side than on the other; indeed, he thought the more despotic the constitution we gave a colony, the more we made it the interest of that colony to get rid of such constitution; and it was evident the American states had revolted, because they did not think themselves sufficiently free.

Mr. Fox summed up this part of his argument, by declaring, that he was decidedly of opinion that the constitution of this country was more liable to be ruined by an increase of the power of the crown, than by an increase of the power of the people. He next took notice of what Mr. Burke had said of inflammatory publications. If any dangerous doctrines were disseminated in pamphlets, he said it behoved the government to look to them, and in case the law officers of the crown failed in doing so, it was then the duty of that House to remind the ministers of their neglect. He owned, however, that for his part, he was of opinion that free discussions of the

principles of the constitution ought to be suffered. If the constitution had opposers, it would also have advocates, and the more it was discussed the better. He hinted that it was misusing the functions and privileges of that House, for any member to come down, and by holding long discourses, personal to himself, and relative to imaginary plots, which he (Mr. Fox) really believed had no foundation in fact, prevent a committee from doing its duty, and examining the clauses of a bill of great importance. It was their duty also to look to the conduct of the executive government, to watch and examine the measures of ministers, and to guard, check, and control the public expenditure. For any gentleman to suppose, that by the authority of discussions on personal topics in that House, what he said there would have any effect on public opinion, respecting a matter to which they had made up their mind, he believed it would be found a vain and fruitless expectation.

Mr. Burke retorted on Mr. Fox for what he had said respecting the eulogies on the constitution. He said, they were at least as useful as that right honourable gentleman's almost daily professions of admiration of the revolution in France. As the right honourable gentleman had thought proper to appeal to a passage from one poet in praise of the constitution, he would take the liberty of remembering another line from another poet,—"*Qui non defendit, alio culpante.*" He referred to the books that were in circulation, and said, there was serious cause for alarm, when associations publicly avowed doctrines tending to alienate the minds of all who read them from the constitution of their country, especially at a time when it was notorious that it was systematically run down abroad, and declaimed against as the worst in existence. He again reminded the committee, from how trivial a commencement Lord George Gordon's riots began, in consequence of which London had bowed its head so low. He took notice of what had been said, that if he would repent, he would be received. He stood, he said, a man publicly disgraced by his party, and therefore the right honourable gentleman ought not to receive him. He declared he had gone through his youth without encountering any party disgrace; and though he had then in his age been so unfortunate as to meet it, he did not solicit the right honourable gentleman's friendship, nor that of any man, either on one side of the House or the other.

Thus ended a friendship which had lasted for more than the fourth part of a century! The clause was agreed to, and on the 18th of May, the bill passed the commons.

MOTION FOR A REPEAL OF THE TEST ACT, AS FAR AS IT EXTENDS TO SCOTLAND.

May 10.

THE church of Scotland perceiving a disposition in parliament to grant relief to non-conformists, transmitted on the 18th of April, from the general assembly, a petition, praying for the repeal of the Test Act as far as it applied to Scotland; and on the 10th of May, Sir Gilbert Elliot moved, "That this House will immediately resolve itself into a committee of the whole House, to consider how far the povisions of the act of the 25th of Charles II., entituled, 'An act for preventing dangers which may happen from popish recusants,' (which require persons who are admitted into any office, civil or military, or any place of trust, under the crown, to receive the sacrament of the Lord's supper, according to the rites of the church of England,) extend, or ought to extend, to persons born in that part of Great Britain called Scotland." The motion was supported by Mr. Pulteney, Mr. Anstruther, Sir Adam Ferguson, and Mr. Fox; and opposed by Mr. Dundas, the Master of the Rolls, and Mr. Pitt.

Mr. Fox said, that although he had introduced a motion for the general repeal of the test act, and had declared himself ready to move, or to support such a motion, as often as those who felt themselves aggrieved by that act, should think proper to bring it forward, he could have wished rather to have heard the arguments of other gentlemen on the present occasion, than to repeat those which he himself had perhaps already used. There were, he said, in this country various descriptions of men; with respect to the opinions they entertained on religion, some professed themselves the friends of toleration in the utmost extent of the word, some of toleration in a limited sense, some of establishments, and some of public worship independent of establishments. He professed himself the friend of toleration without any restriction, and at the same time of an established church; and every argument that could be advanced in support of either was applicable to the support of the present motion.

Notwithstanding all that had been said of the history of the union, the discussions, and the acts of parliament that preceded it, there appeared to him a considerable degree of doubt, whether the test act did or did not apply to members of the church of Scotland, and therefore he thought the motion for going into a committee to enquire how the law stood, extremely proper. Those who contended, that by the act of union the test act was meant to apply to members of

the church of Scotland, viewed the question only on one side. They called in the evidence of history to prove, that if it had been understood, that the test act was not to be thus applied, the people of England would not have consented to the union. It was just as fair for him to take the other side, and contend, that if it had been understood that the test act was so to apply, the people of Scotland would not have consented. That Scotland had derived great advantages from the union, would not now, he apprehended, be called in question. That England had also derived great advantages, was no less certain. The advantages, perhaps, were equal; but it was no panegyric on the act of union, that the prejudices of both countries were so strong at the time of concluding it, as to prevent the fair and open discussion of all the considerations that ought to have entered into it. The violent friends to the test act, — and the violent friends to that act (without having taken much pains to enquire who they were) he sincerely believed to have been generally the enemies to every thing that was great and good, — had always insisted upon it, as so intimately connected with the civil and religious constitution of the country, that it could in no case be given up; and therefore that it must necessarily have been included with respect to Scotland in the act of union. Mr. Fox then went over the material circumstances of the union, from which he inferred, that the point was at least doubtful. There was no mention of the test in the act of union, and supposing there had been a test in Scotland previous to the union, of which also no mention was made, would it have followed that such a test must apply to both countries? This, he thought, would hardly be maintained, it would not have been as strong in the one case as it was in the other.

People in this country were, he said, too apt to consider the people of Scotland as having come to them; as having been annexed to the crown of England in the nature of a province; whereas, in fact, the two countries treated and contracted as two independent kingdoms, which they really were: and whatever right or privilege was secured to the one, was equally secured to the other. The establishment and description of the church of Scotland was as much secured in law as the establishment and description of the church of England. They were very properly put upon equal terms. Was it consistent, then, with this equality, that a member of the church of Scotland, as a qualification for a post as an English officer, not for an officer in the English church, or an English corporation, but a British officer, an officer in the British army or navy, should make a solemn profession of attachment, not to the establishment of the church of

Scotland, but to that of the church of England? It never could be the intention, as a right honourable gentleman (Mr. Dundas) had explained it, that members of the two establishments should communicate with either. It was never understood, that a member of the church of Scotland, in order to enjoy the advantages of the union, should communicate with the church of England. He was told, that the members of the church of Scotland had no objection to communicate with the church of England. This he could neither admit nor deny, on any knowledge of his own; but he well knew that the other part of the position, were this motion ever to come before the House of Lords, where the heads of the church of England were, would be formally denied them. Now, how was the line of distinction to be drawn? By a natural or geographical limit? If a man to the north of the Tweed accepted of an imperial office, he was not to communicate with the church by law established there; but if he accepted of the office on the other side of the Tweed, he was required to do so, under heavy pains and penalties. There was no law to prevent the king from residing in Scotland. Suppose he were to do so, he might appoint all his officers of state, without any one of them being obliged to qualify according to the test act, and let in all the imaginary dangers to church and state, against which he was held up as the impregnable barrier. A person receiving his majesty's orders to raise a regiment in Scotland, might there appoint all his officers without any test; but the moment they came into England they must take the test within a time limited, or incur the penalty of outlawry.

But it had been said, as the law was never enforced, these inconveniences were mere theories. If it was not enforced, why suffer it to remain? for a law not executed was, if possible, more theoretic than theory itself. The penalties, however, were not theoretic, because not enforced. Their execution depended neither on the church nor on the government, but on the will of any malicious person who might choose to turn informer, — if, indeed, it was fair to call any man malicious, for doing what the law directed him to do, and held out a reward for doing. Of all the penal statutes, the constant defence was, that they were not executed. A very irrational defence to be sure! And this was strengthened by a demand of "shew me the practice." Thank God, Mr. Fox said, he could not shew the practice! The wisdom of the legislature had taken care, from time to time, that the practice should not appear; but there could not be a stronger argument that they were not fit to remain as laws than the general concurrence of mankind, that they were not fit to be acted upon.

But they were retained for the safety of the church! It was an ill compliment to the church of England to say, that she could not support herself by the purity of her doctrines, and the good example of her members, without a provision by law; that not only all those educated in her bosom, but those educated in the bosom of another church, should make a profession of attachment to her, as a qualification for civil offices; while the church of Scotland, her neighbour, not only required no such protection, but apprehended no danger from her sons being obliged to profess attachment to another, in order to enjoy the common rights of subjects. A right honourable gentleman had said, that the church of Scotland was secure in her poverty, which dreaded no attack. Had he any reason to believe, from the history of his country, that poverty was an adequate protection? Was no attack made upon her by the episcopal bigotry of Charles I.? Was none to be apprehended from the Roman Catholic bigotry of James II.? Was not the fear of some such future danger as rational a fear as that kept up by the clamour of faction for the safety of the church of England, at the time of the union, a clamour to which, fortunately, parliament did not listen? Both were now equally imaginary. What reasonable objection, then, could remain to discuss how the law stood in consequence of the union?

As a friend to an established church, he was an enemy to the distinction which the test set up between the two established religions of the country. For what was the consequence? If a man born in one part of the kingdom conformed to the law and religion of the country, accepted a public office, he was called on not to profess his attachment to that religion, but to examine the doctrine and discipline of another, and to make a solemn profession of attachment to it, which, in the opinion of many, amounted to a disapprobation of that in which he had been educated. Was not this a mockery of establishments? It was, indeed, said, that this was no dereliction: but, in discussing the general repeal of the test act, was it not generally said to be a profession, that he who took it was of the religion of the state? Was not this the argument at all the public meetings called for the purpose of opposing the repeal? Was it not the answer to the alleged profanation of a sacrament, that it was not taken on account of an office, but as an act of religion, which he who took it was bound to perform, without any regard to public office? What was the religion of the state as thus explained?—The religion of the church of England. Must not, then, the church of Scotland feel that she was not considered in the

same light with the church of England, that she was not in the situation to which, as part of the established religion of the country, she was entitled? The very name of the test ought alone to supersede all these arguments. If they were to say with a right honourable gentleman, to whose argument he had before alluded, that the test meant nothing but a profession, that he who took it entertained no hostile ideas against the establishment; that he was ready to communicate with either church; that he who was of the church of Scotland when out of office, might communicate with the church of England when in; let that explanation be given, by which neither religion nor politics would be much benefited.

Notwithstanding what a learned gentleman had said, with respect to the origin of the present motion, he was satisfied from what he had heard, that it had originated, as stated by the honourable baronet who moved it, in the unanimous opinion of the general assembly, that the test act, as appeared to members of the church of Scotland, was a grievance, and their unanimous vote to apply for redress. It might, for any thing he knew, be considered in Scotland as a solecism to apply to parliament, when they had reason to believe that his majesty's ministers were not inclined to favour their application: but it was not, and he trusted never would be, considered as improper or unseasonable in this country, for any subject or class of subjects, to apply to parliament for relief from a grievance, whatever might be the disposition of those in power. It had been farther observed, that the application came from the clergy of Scotland only; and it was asked, why the sense of the people had not been taken? After all they had lately heard, of alarms in the minds of the people, (vain alarms, in his opinion!) was it wise, was it politic, was it like statesmen, when a proposition came before them from a respectable body, founded on sense and reason, to set it afloat among the people, and desire them to hold public meetings, and discuss its merits for the instruction of the legislature? The history of the union afforded no rule on the subject. Both parties were afraid to come fairly to the question. The great men of that period were obliged to yield to the prejudices of the times. The House would recollect how far short of their own opinions they had been obliged to set up in relieving Roman catholics. Was it, then, to be wondered at, that eighty years ago Lord Cowper, and the statesmen with whom he acted, should have yielded to the same sort of necessity?

With regard to religion, there were few acts on the statute book which ought not to be completely expunged. Instead

of that, they busied themselves in explaining, mitigating, or suspending; and whenever the only proper remedy was mentioned, the answer was, "they are not executed;" the very worst character that could be given of them! This had been the answer to all the propositions that had been lately made. Ought not the House at last to see, that laws, unfit to be executed, that were sometimes the instrument of partial oppression, but never of public benefit, were not fit to remain? They were well described by a learned and orthodox prelate as "dangerous weapons laid in the way, which no good man would use, and which ought not to lie there as a temptation to the bad." Mr. Fox said, that he was a complete friend to religious establishments, on the same ground that he was a friend to toleration. He thought it highly proper that a system of instruction for the improvement of morals should be provided for in every country; but highly proper also that those who dissented from that system should incur no penalties, should suffer no disabilities on account of their dissent, because, to admit of religious instruction, whatever character it assumed, as far as it contributed to inculcate morals, was to enlarge the sphere of religion. Many eminent divines of the church of England were of this opinion. Among others, Dr. Paley, a most orthodox writer, in his chapter of Religious Establishments and of Toleration, after discussing all the branches of the subject, had concluded with approving of a church establishment, joined to a *complete* toleration of all dissenters. *

To get rid of a charge that was frequently put on those who argued as he did, he should wish to know precisely, whether the test was a political or a religious act. When he called it a political act, he was told that it was an act for the security of religion, and, as such, by the union was made perpetual. When he called it a religious and persecuting act, he was told that it was a mere regulation of civil government, and had nothing to do with religion. It had, indeed, nothing to do with religion in its origin. It was intended merely to keep out papists — an unwise expedient, in his opinion, to attain an unwise end; and now that the object of it existed no longer, it could be considered only as an instrument of religious persecution. The church of England could never be in danger but from building her safety on intolerant principles, and making that a pretext for opposing the extension of religious freedom. This, however, was gaining ground

* See Paley's Moral Philosophy, Vol. ii. p. 344.

in other countries, and would continue to do so. This country, he hoped, would not be the last to adopt it. The question of toleration he should always be ready to meet, whenever it was fairly and properly brought forward, and the oftener, he thought, the better; for there was no question that gained more by discussion — no question, the discussion of which contributed so much to the improvement of religion, of morals, and of happiness. On this general ground, he supported the motion, as well as on the particular grounds he had already stated.

One argument that might be urged against it, Mr. Fox said, he wished yet to obviate. If it were doubtful whether the test act did apply to members of the church of Scotland, it might be said, why not try the question in the regular course of law? This might, indeed, be proper in a civil case, but could hardly be done under a penal statute. If it were doubtful whether a particular act was a capital offence, it would be rather hard to say, Do you commit the act, and whether you are hanged or acquitted, the law will be clear. If any gentleman were disposed to try this question, and the law should be explained to be against him, he would be condemned to a fine of five hundred pounds, which many gentlemen might readily pay; but the rest of the penalty, to be rendered incapable of holding any public office ever after, of being an administrator or executor, or of receiving a legacy, was rather too much for any gentleman to be expected to risk. There could be no objection to enquiring how the law stood, and the declaration of the House might be considered as a safe guide. Mr. Fox concluded with declaring that he would give his hearty support to the motion.

The House divided:

	Tellers.			*Tellers.*	
YEAS	Mr. G. Elliot Sir J. Erskine	62.	NOES	Mr. John Smyth Mr. Rose	149.

So it passed in the negative.

MR. FOX'S LIBEL BILL.

May 20.

SO early as the 21st of February, Mr. Fox* gave notice of two questions which it was his intention to bring forward in the course of the present session. He declared he had not quite

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* The declaratory statute 32 Geo. III. c. 60. (says Mr. Howell, State Trials, vol. viii. p. 36.) has fully established the right of juries in criminal prosecutions for libels, to give 'a general verdict of guilty or not guilty, upon the whole matter put in issue upon the indictment or information.' This statute originated in the House of Commons, where the motion for the bill was made by Mr. Fox, and seconded by Mr. Erskine. Most undoubtedly the success of the bill is in a very high degree to be attributed to the inflexible constancy and unremitted zeal, with which the latter of these two great men had exerted the vast powers of his eloquence in maintenance of those rights of juries, which the statute asserts. Notwithstanding it had been declared by magistrates of the greatest learning, that the establishment of such a system would produce infinite confusion and disorder; nevertheless, so it is, that since the indisputable establishment of this system, no confusion whatever has occurred, the functions of judges and juries have been executed within their respective limits; without any competition for jurisdiction; to the advancement of justice, and to the dignity of its administration. The change which has been operated by the statute cannot be more perspicuously stated, nor can its beneficial effects be more happily illustrated, than in the following passage, which I extract from a note on the subject of the 'trial of the Dean of St. Asaph,' in the 'Speeches of the honourable Thomas Erskine' (now Lord Erskine), &c. vol. i. p. 382.

"The venerable and learned chief justice (Lord Mansfield) undoubtedly established by his argument, that the doctrine so soon afterwards condemned by the unanimous sense of the legislature, when it passed the Libel Act, did not originate with himself; and that he only pronounced the law as he found it, established by a train of modern decisions. But, supported as we now are by this judgment of parliament, we must venture to differ from so truly great an authority. The Libel Bill does not confer upon the jury any jurisdiction over the law, inconsistent with the general principle of the constitution; but, considering that the question of libel or no libel is frequently a question of fact rather than of law, and in many cases of fact and law almost inseparably blended together; it directs the judge, as in other cases, to deliver his opinion to the jury upon the whole matter, including of course the question of libel or no libel, leaving them at the same time to found their verdicts upon such whole matter, so brought before them as in all other criminal cases. The best answer to the apprehensions of the great and eminent chief justice, regarding this course of proceeding, as then contended for by Mr. Erskine, and now established by Mr. Fox's Libel Act, is the experience of seventeen years since that act passed.

"Before the statute, it was not difficult for the most abandoned and profligate libeller, guilty even of the most malignant slander upon private men, to connect his cause with the great privileges of the jury, to protect innocence. Upon the judge directing the jury, according to the old

settled in his own mind in what form he should bring on his questions, but he had not the smallest objection to state, that one of them would be with respect to the conduct of the court of King's Bench in giving judgment and sentence upon libels, and the other relative to informations in the nature of *quo warranto*. As he was at present advised, he believed the proper mode would be, in one case, to move to refer the question to the consideration of their grand committee for courts of justice, and to move the other in the House. He said, he had thus plainly stated the nature of his two objects, in order that it might not be thought that he had any intention to take the House by surprize. The 20th of May was afterwards fixed upon. On which day,

Mr. Fox rose to make his promised motion, for a grand committee on courts of justice, to enquire into some late decisions of the courts in cases of libel. He began a most able and argumentative speech, by declaring, that he was perfectly convinced, that every gentleman who heard him, was so well acquainted with the duties that belonged to the House of Commons, and its peculiar function constantly to watch with care every part of the executive government of the country, that it would be unnecessary for him to use any words in order to shew that he was not bringing under the consideration of the House, any thing that did not fall within the province of its duty. He said, he was not going to attempt any thing like innovation, but was calling the attention of the House to one of its most constitutional and important duties,

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system, to find a verdict of guilty upon the fact of publication; shutting out altogether from their consideration the quality of the matter published, ingenious counsel used to seize that occasion to shelter a guilty individual under the mask of supporting great public right; and juries, to show that they were not implicitly bound to find verdicts of Guilty upon such evidence alone, were too successfully incited to find improper verdicts of acquittal: but since the passing of Mr. Fox's Libel Act, when the whole matter has been brought under their consideration, when the quality of the matter published has been exposed when criminal, and defended when just or innocent, juries have listened to the judge with attention and reverence, without being bound in their consciences (except in matters of abstract law), to follow his opinion, and instead of that uncertainty anticipated by Lord Mansfield, the administration of justice has been in general most satisfactory, and the public authority been vindicated against unjust attacks, with much greater security, and more supported by public opinion, than when juries were instruments in the hands of the fixed magistrates; whilst at the same time, public liberty has been secured, by leaving the whole matter in all public libels to the judgment and consideration of the people. This reformed state of the law, as it regards the liberty of the press, is now so universally acknowledged, that the highest magistrates have declared in the House of Lords, that no new laws are necessary, either to support the state, or protect the people."

viz. to a strict attention to every branch of the executive government. The most important part of the executive government was the execution of the laws in courts of justice; he hoped, therefore, he should not excite any unjust prejudices against what he was about to state, by urging the necessity of their watching over this, as well as every other part of the constitution, as if it implied any thing, peculiarly faulty or blameable in the execution of justice at that moment. If the doctrine, Mr. Fox said, were once to prevail, that the consideration of matters relative to courts of justice necessarily implied a failure of the execution of justice, that House must either be negligent of its functions on the one hand, and they must sit silent and suffer abuses to grow to a magnitude which it might be difficult to reform; or, on the other, they must do, what no good citizen would wish to do, they must create an alarm in the country, and excite a suspicion that justice was not fully executed, and thereby injure the nation, by encouraging the subjects of Great Britain to deny that respect which was due to the laws, and to withhold that obedience which ought to be given to the execution of them.

It was true, Mr. Fox said, that he meant to bring under the consideration of the House more than one point; he should, however, first state the point which weighed most on his mind, which was, that which related to the conduct of the courts of justice, with respect to trials on the subject of libel. He would not, he said, take up the time of the House with any general declamation on the subject of the liberty of the press. Whoever saw what the world was now, and compared it with what it formerly had been, must be sensible that it had greatly improved in the science of government, and that that improvement was entirely owing to the liberty of the press. From what he was then stating in favour of the liberty of the press, no gentleman, he trusted, would consider him as a defender of its licentiousness. He was, however, a defender of the liberty of the press, in that sense in which it could be defended. But, if even the just liberty of the press were transgressed, he owned, he should be an enemy to a severe punishment being inflicted after the crime was committed. He was also an enemy to all previous restraints on the press, because he thought he could prove that in all countries, and at all times, previous restraints on the press had the effect of restraining the just liberty of the people, and had never been able to prevent the mischiefs arising from its licentiousness.

Having said so much with regard to the liberty of the press, Mr. Fox declared, he thought there was no danger to be ap-

prehended from any law, or from any thing which they might propose to make a part of the law of the country; on the contrary, it was his opinion, that if the liberty of the press in this country could be in any way endangered, it must be by a series of judgments and a series of punishments on free writings: and this, he doubted not, he should be able to prove. He hoped he should not be told, in answer to what he had advanced, that they had not only reached the mark of liberty, but had gone beyond it. He hoped he should not be desired to look at the abuse of that sacred engine of liberty, as the levelling the good and bad, and making every man dead to shame, and insensible of good character, which was the foundation of every thing great and glorious among men. If persons were to argue, that from the circumstance of there being so much licence, there was liberty enough, in his apprehension they would argue very unwisely, and very inconclusively. It was no difficult matter in this country for any man to libel another; but no man could libel the actions of another with impunity, and public characters had as much a right to be defended as those who never mixed with public affairs. Any man, if he pleased, could indeed personally libel with impunity any public or private character; they could libel him, or much more respectable members of parliament; they might even go farther, and libel ministers and the great officers of state. But he contended, on the other hand, that there was much doubt whether any man could really freely discuss the actions of government, in the way in which he apprehended it was the right of every man to discuss them, without a greater risk to his person and property than prudent men would choose to hazard.

Mr. Fox declared, that he felt considerable difficulty, not only from the importance and magnitude of the object he had to state, but also considerable difficulty in the manner of the arrangement of the matter, with which he should trouble the House. Perhaps, the most easy way would be for him to state his ideas in the order in which they had arisen in his own mind, beginning with particulars, and going on to generals, instead of beginning with generals, and exemplifying them by particular instances, which was the more usual method. In the course of the last year, when the Spanish armament was raised, gentlemen would recollect that there had taken place a considerable degree of discussion among the public, with regard, first of all, to the propriety of that armament; and secondly, with regard to the conduct of that and the other House, who granted the supplies. That such a business should be the subject of discussion in any country,

particularly in a free country, could be matter of surprize to no man; that it was a subject of fair discussion he thought could not be controverted. On that occasion there had appeared some strictures in a newspaper on the conduct of the king's ministers; and that paper, to the astonishment of most people, had been prosecuted. If gentlemen would take the trouble to read a variety of things that had been written at that time, not with regard to the character of public men, but with regard to the conduct of public ministers, he should rather suspect the newspaper alluded to would not be found among the most eminently culpable, but on the contrary, among the most innocent that had appeared. However, the paper was published, and it was prosecuted. The printer pleaded guilty, or allowed judgment to go by default, and judgment was given against him; a judgment which appeared to those who compared it with the paper, and, he confessed, appeared so to himself, to be most inordinately severe. He could hardly have thought, he said, that a person stating in a newspaper his general disapprobation of the measures adopted by the king's ministers; stating, that he conceived the ostensible purpose could hardly be the real purpose; stating the object of Nootka Sound to be too minute to justify so great a hazard as the country was then about to incur, and that therefore it might be connected with our Prussian alliance, was guilty of a libel. He should have thought that such a paper not only did not deserve a severe punishment, but was no libel at all. His first wonder was, that the printer should have been so ill advised, as not to defend himself. In the next place, he was astonished that no motion was made in arrest of judgment, on the ground that the paper was no libel at all. He thought the sentence most severe, and that opinion had not, Mr. Fox said, been peculiar to his own mind; he believed he could speak the sentiments of a whole profession, and that as far as it could be collected, the general opinion of the bar was, that it was a sentence beyond what they could have conceived was likely to have been given. He said, he had read the libel with great care, as it had appeared in the Morning Herald, and it appeared to be a libel on the king's ministers, and nothing more.

Mr. Fox alluded in this instance to the proceedings of the king against Luxford, late printer of the Morning Herald, and read from the information in his hand the following extract, which was stated as the essential part of the libel: "We cannot dismiss this serious and alarming subject, without observing, that this manœuvre of our ministry will make a deep impression upon the French cabinet, national assembly, and people in general. They will not easily be led to believe,

that Nootka Sound, on the farther side of North America, can be such an important object to a people who have just the other day so tamely surrendered up the whole eastern side of North America, as to induce them to hazard all upon such a new-discovered, undefined, and almost unknown land, lying, as we may say, at the back of the world. They will sooner think that this armament is destined against Brest and Toulon, than against Cadiz and Barcelona, upon such grounds as are held out to public view; and notwithstanding their present seeming disjointed state, they will find ways and means to coalesce among themselves, so as to put the state machine in order, so as to lend some efficacious aid to their never-failing allies, the Spaniards."

To say in that point, that the king's ministers had acted without policy, prudence, or spirit, was undoubtedly a libel; and if those words were to be applied to the Russian business, it would be equally a libel, because the person who wrote them could not in point of law have justified, and consequently must necessarily have been convicted. But, did any member of that House think that such a libel deserved so severe a punishment? He was perfectly persuaded that no man would say he did. The paper also stated, that the king's ministers, by various declarations, some of them in that House, and some of them out of it, had deluded the people and the country with respect to such armament. That was also a libel: and here again the printer could not have been permitted to justify the truth of these assertions, and therefore he must have been convicted. In the degree of punishment to be inflicted, they ought, Mr. Fox said, to take into consideration the present state of manners and of things; and if this had been done in the present case, John Luxford might have been sentenced to some short imprisonment, or to pay some small fine; but that he should have been sentenced to be imprisoned for twelve months and to stand in the pillory, was a severe and inordinate judgment, compared with the degree of his guilt.

Having admitted that it was a libel against the king's ministers, he had admitted all that he thought necessary to be admitted on the present occasion. Without paying any compliment to the gentlemen opposite to him, in the present state of things, the mere saying they had acted without policy, without prudence, and without spirit, would not, he was persuaded, have induced them to punish a man for a libel, or at least not to have pursued it to so great a length of punishment. He did not think, that they themselves would have thought, that it would have been consistent with the dignity of their characters, to have prosecuted the printer at all: he should have guessed this *à priori*, and he thought he might state it

from the thing itself. There were, Mr. Fox observed, in the information against Luxford, other counts and other inuendoes, besides that for a libel against the king's ministers. Here he read a copy of the information, the indictment, the opinion of the judge, and finally the sentence. He always spoke with great diffidence when he spoke on legal subjects, he said, and he meant to do so then, but he had read the information with all the attention he was capable of giving to any subject, and he must declare that it was drawn in a way perfectly unintelligible to him. It might possibly appear otherwise to professional gentlemen. He conceived the proper way was to state the malice, the seditious intent, or any other circumstances of that kind, first; and he believed he was fortified by the greatest authorities, in conceiving that inuendoes were only to be used as matter of explanation, and not as matter of addition. The force of inuendo, he conceived, to be equal to the words *id est*, *scilicet*, or to the English word *importing*, which, in his mind, expressed it best of all. He said, it was very difficult to speak with clearness and perspicuity on the subject, the word *meaning* having a double sense. When he said a word meant so or so, there were two ways in which it might be taken; its first sense was when it was merely explanatory of what went before, and was a true inuendo, as the K., meaning the King of Great Britain, &c. Cadiz, and Barcelona, meaning Cadiz and Barcelona in Spain, &c. There was also another sense of the word meaning, which signified purposing, as when he said he meant to do such a thing to-morrow. This word he must contend in all informations ought to be used in the sense of importing and not of purposing. The third count in that information, which was the material part of the charge, was, that which stated it to be a libel, not on the king's ministers, but a libel tending to produce dangerous consequences to the country; that it would tend to alarm the King of France, and to stir up hostilities between this country and France.

Mr. Fox said, he must here speak, collaterally, a little of the mode in which libels were judged. He maintained that the filling up of the inuendoes was the province of the jury, and after they were filled up, the tendency and consequences were inferences of law; and he took this to be the real state of the law; though it was by no means agreeable to his opinion of what it ought to be. If this had been an inference, and not an inuendo, he conceived it would have been competent to arrest the judgment, because a meaning had been put on the words which they would not bear. It was said, the intention was to have excited the King of France so and so. This, he contended, was an inference not to be drawn from the

text, either in reason or in law; and if there had been nothing in this libel but that, he had not the least doubt but the judgment would have been arrested: it did not, therefore, come into that shape as a legal inference. It was, Mr. Fox observed, matter of material mischief, and of material injustice, to make that a tendency and an inference of fact to convert it by a double and unequivocal sense into an inuendo. He said he should just state to the House the particular tendency to which he alluded, and then he would ask every gentleman in the House whether it was not an inference, and not an inuendo? Mr. Fox shewed in the clearest and most convincing manner, by reading particular parts of the information, that he was justified in his arguments. From this he inferred, that they could not use as an inuendo the word meaning, when it could be construed by the word purposing, but only where it could be explained by the word importing. The way in which the information had been drawn, left the person who was the object of it in perfect doubt how he was to defend himself against it. He might be answered, Mr. Fox said, that this was not an inuendo: it was a legal inference, of which the court would judge; and the court might afterwards tell him this was not a legal inference, but that the jury had found it, and therefore it must be taken as fact in the record. In what situation, then, was the unhappy Luxford left? Was he to move an arrest of judgment? No. He should have advised against any such measure. It would have been but of little consequence to him to have been acquitted of the third count, when he must be found guilty of a libel on the king's ministers. Mr. Fox said, he was perfectly sure this mode of proceeding was in the highest degree improper and unfair. The inference ought to have been stated in the outset of the business: they had a right to argue on the record; and he would venture to say, if that had been allowed, and if the whole had turned upon that, and nothing else but that count in the information, if it had been asserted that this was an inuendo, and common sense rejected it as such, if it had been put into able hands, judgment must have been arrested.

Having much considered this case, a variety of things, Mr. Fox said, occurred to him, as fit to be done; and objections at the same time occurred to almost every one of them. He considered how far he should complain, and when he came with any thing like a complaint to the House, he begged leave to say how far he meant any thing against the court of King's Bench. He did not suppose that they had acted from any motives of direct corruption, or from party purposes. If he had supposed any thing of that sort in their minds, he should have looked whether he had any means of proving it,

and if he had, he should not then have shrunk from the inquiry; but he was perfectly convinced of the contrary. He conceived, if there had been any thing wrong that they had done yet, it was from error, and from the difficulty of their situation, as the law now stood on the subject of libels. He therefore was not going to move any thing which could be construed to be at all like a censure on the conduct of the judges. But, was the measure, therefore, he would ask, to sleep? Ought it to be so? Was he to stand by and consent, he would not say, that an innocent man, but what was nearly the same thing, that a guilty man was to suffer much more than he deserved to suffer? There was, therefore, one view, at least, in which he should have brought forward the business, and that was to move to present an humble address to the king to pardon Luxford; but he had been told, how truly he knew not, that the most severe parts of the sentence were already done away, and therefore, perhaps, an address would be useless. However, if he went into the committee, he should certainly move, that an address be presented to his majesty, to intreat his majesty to pardon John Luxford.

With regard to opinions entertained in that House, he knew, he said, that there were those who maintained, that in order to preserve a proper respect to courts of justice in this country, no man should interfere in any thing done therein, lest it should be interpreted into an indirect censure; but that if the judges had committed any fault, an address should be moved to his majesty, to deprive them of their situations. That opinion, he said, he conceived to be wholly unfounded, and declared he would never consent to such an address against any judge, unless it was for notorious incapacity, or the exercising his authority *malo animo*. If that were so, how, Mr. Fox asked, could it be maintained that they should allow innocent men to suffer, and permit the guilty alone very frequently to escape; and those who have committed trifling faults to be severely punished? It would, perhaps, be said, that they ought not to interfere till they could produce some proof of personal iniquity; but whenever he conceived that courts of justice acted in any way so as to pervert the principles on which they were founded, and to produce mischievous effects, he thought it was his duty (he declared he said it without meaning any disrespect to the judges) to take their conduct into consideration, and to oblige them to apportion their discretion in the punishment of crimes, as nearly as possible to the offence, in such manner as to make them be approved of by the just, as being reasonable, and such as the common sense of mankind would commend.

Mr. Fox said, that when he had considered the subject of this particular libel, he was led to consider the subject of libels in general; thus, in the way of inuendo and inference, he was led to consider who were to be judges. If the jury were to be the judges of inuendoes, it was contended that they ought not at least to be judges of inferences, but that those should be referred to the court. He confessed he saw no rational ground for such a distinction; for, in his opinion, if any plain man met on the jury, and was capable of filling up the inuendoes, he was at least capable of drawing an inference of fact, of one fact from another. If a person maintained that such a libel excited the French against Great Britain, that was an inference of one fact from another fact, upon which a man could gather light from his own mind, but with respect to which, he could gather no light from all the law books in the world. To him, Mr. Fox said, it appeared to be a strange idea, that a jury, although it could fill up an inuendo, could not draw an inference of fact. This led him to consider whether, where law and fact were mixed together, a jury could not judge of the law as well as the fact; and on this complicated business he should state his ideas to the House. He had looked into several books on the subject, and as the point had been handled in very modern times, he had begun with the most modern writers. He had looked as deeply into the subject as it was posssible for him to do. He would not say all that he thought, in the presence of his honourable and learned friend (Mr. Erskine) on the subject of his honourable and learned friend's speech in the case of the Dean of St. Asaph; a speech so eloquent, so luminous, and so convincing, that it wanted but in opposition to it, not a man, but a giant; not a pigmy, or a dwarf, but something like an adversary capable of coping with it *. He had,

* "Of this speech of Lord Erskine I have been informed that the great Mr. Fox, who introduced the stat. 32 Geo. 3. c. 60., repeatedly declared that he thought it the finest argument in the English language." Howell's State Trials, vol. xxi. p. 971.

In the Edinburgh Review (vol. xvi. p. 202.) of 'Lord Erskine's Speeches,' the eloquent and powerful writer thus expresses himself: "In these volumes, we have a complete body of the law of libel, and a most perfect history of its progress, down to the Libel Bill of Mr. Fox, which owed its origin, indeed, to the doubts and difficulties that arose during the prosecution (is there not an error in the first syllable?) of the Dean of St. Asaph. The argument on the rights of juries, as connected with that case, affords the clearest exposition of the subject, and is, in itself, by far the most learned commentary on the nature of that inestimable mode of trial, which is any where to be found. Mr. Fox's bill is merely declaratory of the principles, which were laid down in this argument with unrivalled clearness, and enforced with a power of reasoning which none ever denied to this

Mr. Fox said, endeavoured to find out if there was any argument on the other side of the question. He was perfectly aware, that in matters of law, as indeed in all other matters, great authorities were arguments; but authorities, great as they might be, must, he said, some time or other, clash with reason; and if the authorities were clear one way, and reason another, it would produce the greatest of all mischiefs, for reason must triumph, and the effect would be, that it would destroy in future all reverence for authority, and would therefore do away that species of argument.

On this subject, Mr. Fox observed, there were not small shades of difference of opinion only among eminent lawyers, but they differed, according to the common expression, *toto cælo*; the opinions of some being diametrically opposite to those of others. It was the opinion of the court of King's Bench, that the jury were to find the publication, and inuendoes, and that the question of intention was afterwards completely left to the court; the court were to consider it in the nature of a special verdict. He found opinions maintained directly the reverse. He was, Mr. Fox said, of opinion that many of the things stated were matters of fact; but whether they were matters of fact or law, where the general issue was joined the jury must consider such general issue, and give a verdict compounded of fact and law. These opinions, Mr. Fox observed, were not of modern date; the first man, he apprehended, who stated that opinion, was a person of the name of John Lilburne, who immediately after the beheading of Charles I., and during the existence of the commonwealth, was indicted for a treasonable paper. He expressed himself, Mr. Fox said, truly and properly in principle, though his words were coarse and his phrases homely. With regard to his acquittal or condemnation, John Lilburne declared the jury were all and every thing; that the judges were mere cyphers, and their duty was solely to register the verdicts of the jury. The reply to John Lilburne's observation, was a specimen, Mr. Fox remarked, of the temper of the times and the disposition of those days: in answer to this, Judge Jermin, who presided on that occasion,

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great advocate, except in the moment when, dazzled by the astonishing powers of his language, they were tempted to fancy that so rare a union of different qualities was not in nature; and to doubt whether such eloquence and fire—so lively an imagination, and so great warmth of passions, were compatible with the faculties of close reasoning, and nice discrimination. As connected, then, with the history of jury trial—as laying down its principles—as furnishing the ground-work of Mr. Fox's famous bill—and as having, in point of fact, given occasion to that bill, we view the speeches for Dean Shipley, which contain a most complete history of that case, as the most important part of this collection."

said, it was a damnable and blasphemous heresy to call the judges cyphers *! Lilburne, however, was acquitted in spite of the anger of the judge, and in spite of the influence of Cromwell. For a long period after that, Mr. Fox observed, the business had not been considered in the way he considered it, till of late years, and it seemed rather extraordinary that it had so happened.

Here Mr. Fox went through the law and practice respecting libels in the reigns of Charles II., James II., and part of that of King William. He would, he said, state a circumstance that was rather to be looked upon as a conjecture than as a certainty; from the Reformation till some years after the Revolution, the jury had only to consider whether such a thing was published with or without a licence; if it was published without a licence, it would constitute a crime; and the court afterwards considered the malignity of the offence. He hoped it would not be regarded as cavilling on the subject, to declare *ex vi terminorum*, that it appeared a solecism to say that to a general issue joined a special verdict should be given; it was obvious that the jury must give a general verdict according to the general issue. It seemed strange to him, Mr. Fox said, to be told, when he was accused of seditiously writing a libel, that he ought to plead generally. The law said, you might plead the general issue of not guilty. The general issue of not guilty was pleaded, because in order to any one being guilty, it must be proved that a libel was written, and written by such a person. A great deal of stress was to be laid on the word guilty. He did not, Mr. Fox declared, comprehend on what principle the law of England, with all its liberality and justice, could pronounce any man guilty without previous inquiry into his guilt. If any book had been written, and the author had been indicted, he was pronounced guilty, before there was the least guilt proved. Guilt, he contended, must be proved before it could be inferred. Men were not to be convicted on the word guilty, and after the word guilty was pronounced by the law, as it at present stood, it was to be determined whether the writing was culpable or meritorious. By going on farther, an argument suggested itself to him, which he conceived to be perfectly conclusive on the subject, and the strength of which was universally acknowledged by almost every judge; by Lord Raymond, Mr. Justice Lee, Lord Mansfield, and Mr. Justice Buller, with many of whom he differed, namely, that it was in the power of the jury to find, not guilty. He was not, Mr. Fox said, ignorant that power and right were not convertible terms. But if a power

* See Howell's State Trials, vol. iv. p. 1381.

was vested in any person, it was surely meant to be exercised. Mr. Fox mentioned Mr. Justice Ashhurst, who, in speaking of right and power, observed, with respect to power, that a highwayman has the power to rob you, though the deed be a crime against divine and human laws. Mr. Fox conceived there was a power vested in the jury to judge of law and fact, as often as they were united; and if the jury were not to be understood to have a right to exercise that power, the constitution would never have entrusted them with it. That the constitution should have entrusted to the jury a power which was never to have been exercised, was, he declared, beyond his comprehension. He thought it proper to attend to the few arguments which he found on the other side of the question, and which all went on grounds that struck his mind as different from this. He could not view the law and fact in any other light, as separate, but as a confusion of ideas in those who granted the first principle, *ad questionem facti non respondent judices; ad questionem legis non respondent juratores.*

Mr. Fox begged leave to enquire into this a little. When a man was accused of murder, a crime consisting of law and fact, the jury every day found a verdict of guilty; the jury felt themselves, in that case, bound to judge both the law and the fact. How, Mr. Fox asked, did they do this? By the advice of the judges. Here again, he said, without cavilling about words, it was fair to infer, that the judge who advised the jury, advised them only in cases where they had jurisdiction. If the jurisdiction had been in the court, and not at all in the jury, the judge would have prevented the latter from acting altogether, and would have taken the jurisdiction to himself, but they knew it was the province of the jury to judge of law and fact; and this was the case not of murder only, but of felony, high treason, aud of every other criminal indictment. Libels were the only exception, the single anomaly; and if it was so, it was a great one indeed! When he turned his thoughts towards the decisions of Lord Mansfield, and it was with all the respect and reverence due to his character, his doctrine on libels amounted to this: to consider a verdict on the case of a libel in the nature of a special verdict. In that case, therefore, the jury, Mr. Fox said, were compelled to give a special verdict, which ought to be always matter of choice; but on this they were not left to their choice. There was a very material difference between a special verdict, in the case of a libel, and other special verdicts. In the latter case, the court must, he observed, give its opinion with regard to the law, but in a special verdict for a libel, no such thing took place, and there was no necessity for the court to give any opinion, unless a motion was made

in arrest of judgment. On a special verdict, in the case of a libel, judgment followed, unless a motion was made to arrest the judgment; whereas they could not do so in cases of murder, or of felony; in fact, they could not do so in any other case whatever. Without any declaration from the court or jury, judgment, it had been held, should follow; and in cases of libel, if what Lord Mansfield said were true, it did follow. The jury found the publication and inuendos, and yet what, said Mr. Fox, had been proved against the defendant? Nothing. All that appeared was, that a man had written a book which might be, perhaps innocent, perhaps meritorious: the court had passed no judgment upon it; the jury had given no verdict in it: but though no guilt had been proved, yet as a motion had not been made in arrest of judgment, he must be punished as a libeller.

Was it, Mr. Fox asked, agreeable to the law of England, that the *onus* should lie on the person accused, to prove his innocence, and not on those who accused him, to prove his guilt? The arguments on this subject were chiefly drawn from authorities, and if the House thought it worth their while to go into a committee, they would find those authorities extremely inconclusive. Mr. Fox contended, that if the jury had no jurisdiction over libels, the counsel became libellers for speaking before a tribunal which had no jurisdiction; their eloquent speeches to heighten the enormity of the libel charged, on the one hand, and their exculpatory harangues in favour of the delinquent on the other, were not only needless but improper. If the court were sound in their law, they would not, he said, permit such pieces of eloquence to be delivered. In the case of the king against the dean of St. Asaph, the judge stated, that he suffered it in order to satisfy the minds of standers by. When a jury was in a court of justice, in order to enquire into the innocence or guilt of a man, and they did not enquire into the criminality at all, but only enquired into the fact of publication, the counsel get up to speak on one side of the question; and as that was an irregularity, the counsel on the other side must be indulged with an answer; and thus, one irregularity was committed after another, as was sometimes the case in that House. Could he believe that Lord Mansfield, whose integrity as a judge no man would dispute, should fall into opinions so little fitting his high situation, and his dignified character! His lordship had, Mr. Fox observed, got into a situation which there was no defending, without departing from that meekness of heart so peculiar to his lordship. There was some shade of difference, certainly, in the argument between that noble earl and his colleagues. He had, Mr. Fox said, laid it down

throughout, that it was unnecessary to prove malice: at the same time he agreed, that the defendant, if he brought any witnesses or evidence to rebut the presumption of guilt which lay against him, might produce such witnesses or evidence, and on that the jury would form their judgment. Mr. Fox wished this to be considered a little; he could not help saying that there appeared to be something of confusion in the noble earl's ideas on that subject. He did not want proof of the malice, for the publication would be sufficient ground to infer malice or not. In case of murder, a man might say, he did not want any proof of malice, because the fact spoke the malice; but then, let the reason be stated why proof of malice was not necessary: the fact was, that proof of malice was not wanted, because it was evident that it did exist. What, Mr. Fox asked, was the case of libels? No proof was deemed necessary, but the bare publication was taken to be sufficient proof. He should, he said, illustrate as well as he could, the policy and legality of bringing evidence to rebut a presumption drawn from this circumstance. A presumption was not a thing distinct from proof, but was a species of proof, of proof inconclusive, till the contrary was established. The noble lord might hear what he pleased to rebut this. If the jury could hear the evidence, they must judge of the evidence; they must include a judgment on the presumption; and they must do that by weighing the presumption and evidence, and by comparing the one with the other; and, therefore, the moment that it was admitted that they could bring evidence to rebut the original presumption, they must judge of that presumption; for they could only judge of the evidence, by comparing it with the presumption. If, Mr. Fox said, he were of opinion that the jury could not judge of the innocence or guilt of a paper, he should tell them they had nothing to do with it.

There was another part of the doctrine of the noble lord, (Mansfield,) which appeared to him strange and unaccountable. It was admitted not only in cases where there were innuendos, but where a libel was supposed to be without an innuendo, and where the words were all plain; it was admitted, that if a part of a writing was libellous, and another part not libellous, they had a right to bring the whole before the jury in evidence. Mr. Fox asked, on what principle the jury were to look at the whole, but that they might know whether the paper was libellous or not? If the jury had nothing to do with the guilt or innocence of the paper, but were only to give a verdict on the publication, it would be perfectly idle and ridiculous to lay the whole of the evidence before the jury, who, as Lord Raymond emphatically expressed himself, "had

nothing to do with it *." All the admissions made on that side of the question, appeared to shew its weakness, and nothing remained to be considered but authority, and that authority he should consider as shortly as possible. Mr. Fox here considered the opinion of Lord Holt, in the case of the king against Vere. Lord Holt, and two or three of the other judges, did expressly declare their opinion on the ground of the jury having found *frauditiore et malitiose*, they thought the verdict ought not to be arrested. In the case of the king against Tutchin, the opinion of Lord Holt was directly the reverse of what it was in the former cases, and he left the criminality generally to the jury. In 1731, in the time of Lord Raymond, the present doctrine of libels was introduced. But although this doctrine had been universally held during sixty years, he hoped no man would contend that it ought to be law. Indeed, that principle of law was so absurd, so vicious, so untenable, and so impossible to hold consistently, that in the practice of this reign, and especially in the practice of Lord Mansfield himself, it was not adhered to. In the case of the king against Woodfall, the principle was slightly touched upon; but in the case of the king against Horne, there was a complete acknowledgment of the arguments of his learned friend (Mr. Erskine), whom he had the honour to follow in that place. He said, he had the notes on this business from others, and he entertained not a doubt but that they were correct, though he would not vouch for their authenticity. Mr. Fox then read a long extract of the summing up of Lord Mansfield, at Guildhall, in the case of the king against Horne; Lord Mansfield had at that time said, that it was a matter for the judgment of the jury, and that they were to decide on the criminality. These were nearly his words: "You will judge whether it convey a harmless, innocent proposition, for the good and welfare of this kingdom, the support of the legislative government, and the king's authority, according to law; or whether it is not denying the government and legislative authority of England, and justifying the Americans, &c.; and if it was intended to convey that meaning, there can be little doubt whether that is an arraignment of the government and of the troops employed by them or not. But that is a matter for your judgment. You will judge of the meaning of it; you will judge of the subject to which it is applied, and connect them together, and if it is a criminal arraignment of these troops, acting under the orders of the officers

* See the trial of Richard Francklin, in 1731, for a libel; Howell's State Trials, vol. xvi. p. 672.

employed by the government of this country, you will find your verdict one way; but if you are of opinion that the contest is to reduce innocent subjects to slavery, and that they were all murdered, why then you may form a different conclusion with regard to the meaning and application of this paper *." This doctrine was completely denied in the case of the king and the dean of St. Asaph. If these accounts, said Mr. Fox, were correct, that great and respectable authority, Lord Mansfield, was not perfectly consistent with himself. In the case of the king against Horne, they were to consider the publication, and from the nature of it, and also from other circumstances, to infer the intent of the person accused. No gentleman could suppose that he meant to lower that great and respectable man; but he could not, Mr. Fox said, do justice to the subject without stating the inconsistencies he had enumerated. It was not with a view to diminish the respect that he entertained for that able magistrate, but it shewed that with all his abilities he could not be consistent, and was obliged to waver. The inconsistency of great men proved, — and there was no man so great, either in history or romance, against whom inconsistency could not be proved, — that there were doctrines which could not be supported; and such inconsistency was generally much more the fault of the doctrines themselves than of those who adopted them.

Mr. Fox said, he had hitherto considered the subject as relating to libels, and to libels only. He next meant to state it with respect to another point of still more importance, namely, with regard to high treason. He believed it was on all hands admitted, that a writing might be an overt act of treason; but he was aware that it was not generally or universally allowed to be so. If a writing was considered as an overt act of treason, it was always so stated in the indictment, *in hæc verba*, which was necessary in the case of a libel. The substance of high treason was sufficient; but the words of a libel must, he observed, be set out verbatim in the indictment. He wished, Mr. Fox said, to know a fact which he had asked of many gentlemen, and in reply to which he had received a variety of answers. He wished to ask, if a jury, in the case of libels, could only judge of the publication, because it appeared on the record? On the very same principle on which this could be done, all the doctrines relative to libels applied to high treason. Suppose, said Mr. Fox, they had a right to try me for high treason; for a writing, that which

* See Howell's State Trials, vol. xx. p. 761.

was considered by the court of King's Bench as an overt act, the court had a right to say to the jury, "Consider only whether the criminal published the paper; do not consider the nature of it; do not consider whether it was treasonable, whether the overt act it intended was to accomplish the king's death; (for whether it was, or was not, that fact would depend on the words set out on the face of the record,) and the accused person guilty of high treason, and (if no person make a motion in arrest of judgment) let him be hanged and quartered." Would Englishmen endure that this should be the case? Could men permit death to be inflicted, without a jury having had an opportunity of delivering their sentiments or verdict whether the individual was or was not guilty? If this doctrine were true, Mr. Fox said, and applied to high treason, then the overt act was unnecessary; the person who wrote the paper would confess he published it; he would not have a word to say in his defence, and he must be found guilty, not of a misdemeanor, but of high treason. His liberty and life were not to depend on the verdict of twelve persons, but on four lawyers; he did not mean, he said, to speak with disrespect of the judges; but his verdict must depend on four men, who drew their deductions from books, and not from facts and the circumstances of the times. A man might thus be in a situation to lose his life, without the judgment of his peers. This point was stronger in the case of high treason than in that of libel, but it was only stronger, inasmuch as, to a man, death was of more importance than temporary confinement.

He wished, Mr. Fox said, to know whether that doctrine of libels did or did not extend to high treason? The House he said, would observe that he had confined himself chiefly to the case of seditious libels, and altogether to the case of criminal prosecutions for libels. With respect to all libels which were prosecuted by civil suits, and them only, there was a difference between them and criminal prosecutions. In criminal prosecutions, the thing to be considered was the guilt of the criminal; in civil prosecutions, besides the guilt of the offender, there was the redress to which the plaintiff was entitled, by way of damages. A criminal prosecution, therefore, and a mere civil action for damages, stood on separate and distinct grounds. There were, Mr. Fox observed, one or two cases which had been commonly stated, and which he wished to state, in order to shew, that although the person injured might have redress, yet it was to be obtained on the proof of malice. In illustration of his argument, he stated the supposed case of a gentleman wishing to know the character of a servant, who had been formerly in

his (Mr. Fox's) service. Perhaps, said Mr. Fox, I state his character to be that of a person addicted to drinking, neglectful of his duty, and not, in my opinion, perfectly honest. No action, he observed, could be maintained against the master by the servant, even though his master had called him a thief, if it had been true, unless the servant could prove that his master had done it from motives of malice. Mr. Fox cited another case from the star chamber, a case which fell under the same rule precisely with the last, namely, that of a man's writing to inform a father that his son was addicted to vicious courses, and admonishing him to endeavour to reclaim him. In that case, Mr. Fox said, the letter had not been held to be defamatory, but reformatory. There were several other cases, he observed, that had a great resemblance to libels; as, for instance, the case of threatening letters. He stated one which had been tried before Mr. Baron Hotham, for whom he entertained a very high respect. He thought that learned judge had acted with perfect propriety in leaving the guilt or innocence of the paper to the consideration of the jury.

Mr. Fox said, that although he had been able to shew to the House, that the law of libels was contrary to the original principles of law, and dangerous to the constitution, yet when he would suggest a remedy for these evils, he found himself incapable of doing it, without the assistance of the House. If the committee were clear as to the law on the subject, he thought their wisest and most proper measure would be to enact a declaratory law respecting it. If the committee were of opinion that the high authorities on the other side of the question, made the law doubtful, they might settle the law upon the subject, in future, without any regard to what it had been in times past.

Before he dismissed the subject of libels, Mr. Fox said, he would refresh their memories with what he had said on special verdicts; and what he had said on that subject, he declared he did not say without mature consideration. The court asserted, that all verdicts on libels were of the nature of special verdicts; and yet he was informed, on good authority, that if another kind of special verdict, viz. the verdict properly so denominated, were given, it would not answer the purpose. If a report of special verdict was made, without the word 'guilty,' no judgment could follow; they were, therefore, only deceiving the jury. All this, Mr. Fox said, had been very fully stated in the case of the King and the Dean of St. Asaph, and afforded a very strong argument for the side which he had espoused. He contended, therefore, that in all cases of libel, the jury should be permitted

to give a general verdict, and to judge of the intention, as well as of the publication.

Mr. Fox having finished the subject of libels, wished to call the attention of the House to another subject of very great importance; but this, he said, he should do in as concise a manner as possible. By a statute of Queen Anne, for regulating proceedings by *quo warranto*, every corporator might inform himself of the corporate situation of any burgess of the same borough. Any private man might make his application, and, according to a late opinion, the court had a discretionary power of granting or refusing it, as they thought fit. Another opinion on the subject was, that the court had no such discretion; the former opinion, however, was the best. The attorney general might also, of his own authority, move for informations, in the nature of *quo warranto*, as well as others. The court of King's Bench had endeavoured to lay down a rule to guide their discretion; Lord Mansfield had laid down twenty years as the space of time after which, in no cases, applications should be made to disturb men in their franchises; and even within that time the court very frequently refused such applications; but about two terms ago, the court of King's Bench had greatly shortened the period within which people might apply for such informations. They had determined, if a man had enjoyed his franchises without interruption for the space of six years, he should never be called upon after that period. Mr. Fox wished to say a very few words on the wisdom of this regulation. He thought the rule ought only to have been prospective and not retrospective. The court should have given notice of their intended rule some time before it began to operate, because people knowing that the law allowed them twenty years, usually thought they had abundance of time, and therefore laid by. This was not only unfair, but it was unjust.

There was another very serious view in which, he said, the subject might be taken into consideration. That House, as vigilant guardians of the constitution, ought to watch against all possible inroads. The attorney general, as already stated, could of authority move for informations. Private subjects were confined within six years; the king's attorney general, however, was subjected to no such inconvenience, being wholly unlimited in point of time. It always happened, that the king's ministers were more or less concerned in elections: and, consequently, the attorney general might move for a great many informations against those who were not friendly to him or his associates. As the law before stood, this was attended with no inconvenience, because if A. moved against

B.'s electors, B. might move in his turn against the electors of A. But by the last rule of the court of King's Bench, private men were greatly cramped and confined; whereas the attorney general, on the part of the king, might move at any time, and hence the maxim *nullum tempus occurrit regi.* Corporators, after six years, were safe against every man but the king, so long as they exercised their franchises in a way not hurtful to the interest of the king; but if they were to exercise their privileges contrary to the interests of the crown, the king's attorney general might come and take their franchises from them. This, Mr. Fox said, was an immense additional weight to the prerogative of the crown, and might prove extremely dangerous to the liberty of the people. The remedy he meant to propose, appeared to him to be perfectly unexceptionable. He thought there ought to be a statute, regulating the conduct of the King's Bench, with regard to the granting of such informations, and giving double costs in cases of frivolous applications. He considered it as highly inconvenient, that the rule of limitation of the King's Bench did not exceed the length of a parliament, and he wished it, for obvious reasons, to extend to eight or nine years. He farther thought, that the power of the attorney general, in this respect, should be taken away, or at least ascertained; and that the crown and the subject should stand precisely upon a level. Mr. Fox said he had stated all the matter that occurred to him as the ground for going into a committee. If any gentleman had any additional grounds, he could wish him to state them.

Mr. Fox proceeded to observe, that there was, on the subject of libels, one great and popular topic, which he had passed over, without having said any thing upon it. He declared he had not forgotten it, but had purposely omitted it. It was a question that had been much canvassed in the world, namely, the doctrine that truth was not only not a justification, but that a libel was the more a libel because it was true. With respect to this question, he should not meddle with it, because he conceived it to be a most difficult question. To say that truth was not sometimes a justification, would be very extraordinary indeed; and yet there certainly were cases in which truth would not be a justification but an aggravation. Suppose, for instance, a man had any personal defect or misfortune, any thing disagreeable about his body, or was unfortunate in any of his relations, and that any person went about exposing him on those accounts, for the purpose of malice, and that all these evils were day after day brought forward, to make a man's life unhappy to himself, and tending to hold him out as the object of undeserved

contempt and ridicule to the world, which was too apt to consider individuals as contemptible for their misfortunes, rather than odious for their crimes and vices; would any man tell him, that in cases of that sort, the truth was not rather an aggravation? On the other hand, in questions relating to public men; truth, with respect to public measures, ought to be held to be a complete justification of a libel, if it could be called a libel in that situation. Mr. Fox said farther, that if any man had stated any thing that was of great importance, upon its being taken amiss by another, the truth of it, if it could be proved, was not only a mitigation, but, in his mind, a complete justification. He would ask, therefore, how long were they to be negligent about the rights of juries? It behoved the House to be anxious to establish those rights, and by that means to secure the liberty of the press. He conceived, that the best way would be, to permit every defendant to prove the truth of a libel, if he thought proper; and then to consider what effect that ought to have, whether it amounted to a justification or otherwise, and to let it affect the judgment either way in proportion. He did not, however, mean to bring this forward, unless it met with the generul concurrence of the House. God knew what he had ventured to bring forward was much beyond his strength; and he should not have brought it forward, if he had not thought it a duty which he owed to the public, and the more particularly at this time, when it was the fashion to go into discussions on the theory of the constitution for various purposes.

Mr. Fox said, they ought to consider the main spring upon which the constitution turned. They all knew there were two or three great springs upon which it turned, and it was the indispensable duty of that House, as far as it could, to keep those springs in perfect strength and vigour. He thought he saw, amidst all the minuter parts, the two most important of these main springs, namely, the representation of the people through the medium of that House, and the juridical power of the people through the medium of juries; and it appeared to him, that even although the other parts of the system fell into disorder, yet, if these main springs were preserved in full vigour, the rest might be repaired; but if these two springs gave way, all the rest must fall completely to destruction. Mr. Fox declared, that he had always considered the powers and privileges of that House to be that part of the constitution which they were obliged to watch over, and obliged to maintain. Another thing of infinite importance was the right of the trial by jury. This, he said, could not be complete, unless, in every criminal case, where

the law and fact were mixed, the jury were the judges; and unless the intention was to be decided by the jury, and not by men who could only judge by means of books, and many subtleties and distinctions, but could never find out the heart of man, and distinguish between his actions.

Mr. Fox begged that he might not be told by any gentleman, "You have done much right and much wrong, but on account of what is wrong you shall not obtain what is good." He said, he was willing to take one half, nay one fourth, or any thing that he could get, rather than lose the whole. He thought he had done his duty in bringing forward the business, and he hoped there would be a majority for going into the committee. Mr. Fox here took notice of a similar motion that had been brought forward in the House of Commons some years ago by that sound constitutional lawyer, Mr. Serjeant Glynn, who had brought forward the subject in a more masterly and scientific manner, than he was able to do. He confessed he had been one of those who voted against that motion *, which was rejected on account of certain doubts that were entertained concerning it, and a fear that it might weaken the authority of the court of King's Bench, &c. but upon reflection he now thought his reasons had been weak and ill founded. In the case of the King against Topham, Mr. Fox said, there was some colour for the chief justice agreeing with him. On the present occasion, he was glad to grasp at any thing; and the House must now speak out plainly, and say whether they meant to confirm the rights of juries, or to vote against the rights of juries, and to add the weight of parliament to the weight of the court of King's Bench. Mr. Fox declared, before he sat down, that he had intended to bring forward this business in the course of the last parliament, but had been prevented by other business; and another consideration for his deferring it, was, the expectation and hope of his having the able assistance of his honourable and learned friend (Mr. Erskine) —an expectation and hope in which he had not been disappointed. His honourable and learned friend would now have an opportunity to crown the work which he had so nobly begun, and give his sanction to an act of parliament to insure to his country and to posterity, the real existence of those rights and privileges, the theory of which he had formerly defended so eloquently, so ably, and, in point of reason, so triumphantly, though in point of event, unfortunately and unsuccessfully. Mr. Fox concluded with moving, "That

* See Vol. i. p. 3.

the grand committee for courts of justice do sit on Tuesday next."

Mr. Erskine, who seconded the motion, supported it with much eloquence and ability. The attorney-general, Sir Archibald Macdonald, coincided in opinion with Mr. Fox. He nevertheless exculpated the judges from the charge of having acted with impropriety in countenancing a contrary doctrine, conceiving that they were in some degree bound to follow the uninterrupted course of precedents, and to be determined by what had been the uniform practice of their predecessors. Mr. Pitt supported the same argument. He declared, that, although he should with great diffidence set up his own opinion against the established practice of the judges, yet he could not but confess that it went directly against that practice; for he saw no reason why, on the trial of a crime, the whole consideration of the case might not precisely go to the unfettered judgment of twelve men, who were sworn to give their verdict honestly and conscientiously. He objected, however, to the going into a committee; but recommended the plan of settling the whole business by two short bills.

Mr. Fox said, he could not most assuredly make the least hesitation in complying with the suggestion of the right honourable gentleman, who had in so fair and candid a manner stated what his own opinion was, and which seemed also to meet the general concurrence of the House. With regard to the ground that the honourable and learned gentleman (the attorney-general,) had taken, by way of defending the conviction of John Luxford, Mr. Fox declared, he must differ from him completely. So far from thinking the libel a dangerous publication with a view to enflaming the minds of the people of France, there was no danger in it whatever, nor could any such inference as the honourable and learned gentleman had drawn from it, be put upon it, either in reason or in law; and if it could, why was not such an inference averred in the information? No such averment appeared on the face of the record, and the only averment that did appear was, that it was a libel on his majesty's ministers and nothing else. Inclined, then, as he should be, for the sake of practicability, to comply with the right honourable gentleman's suggestion of his giving up the motion for a committee for courts of justice, he could not compromise the case of John Luxford for the sake of the two bills, or for the sake of any practicability whatever, however desirable such practicability might be. In his former speech, Mr. Fox observed, that he had said, he had heard what, from the silence of the other side of the House on that point, he now feared, was not true,

namely, that John Luxford was pardoned that part of his sentence which related to the punishment of the pillory. As he was satisfied the sentence of Luxford was most inordinately severe, and more than he merited, when compared to the guilt of the libel, Mr. Fox delared, he must adopt some method of taking the sense of the House upon a motion for an address to his majesty for his pardon; and he saw not how he could do that without going into the committee for courts of justice, when, as far as his motion for an address to his majesty for a remission of Luxford's punishment went, it would undoubtedly be an indirect censure on the court that had passed so inadequate a sentence. It might possibly be said, that he ought to proceed in another way, and ground any motion that he thought proper, on the record; but let the House remember, that he had spoken from a paper which he held in his hand, and the honourable and learned gentleman from another paper which he had held in his hand; but Luxford's libel, and the record, were neither of them before the House; and till the House could get at the record, he could not proceed. If he could be told that Luxford either had been pardoned or would be pardoned the pillory, he would say no more, but for the sake of practicability would consent to withdraw his motion for a committee for courts of justice, and would barely move for leave to bring in the two bills that had been suggested.

Mr. Pitt said, that with regard to the punishment of the pillory having been remitted, he had not the least recollection of that having been the case, or of any application having been made for it. He had in more than in one instance, since he had been in his majesty's councils, dissuaded them against the too frequent use of the pillory, which, in his opinion, could not be too sparingly employed; and from what he saw of Luxford's case, he had no reason to imagine, if application were made, that there would be any great difficulty in getting that part of the sentence remitted.

Mr. Fox said, he was so perfectly satisfied with what he had heard from the right honourable gentleman, that he should for the present withdraw his motion for the committee for courts of justice, and wait to see if any thing was done in Luxford's case, and if there should not be any thing done he would then move for a copy of the information, and of the record, and likewise for an address to his majesty for mercy in a case, which had received a sentence inordinately disproportionate to the degree of criminality in the libel.

The original motion was then, with leave of the House withdrawn. After which Mr. Fox moved, 1. for leave to bring in a bill "to remove doubts respecting the rights and functions of juries in criminal cases; and 2. for leave to bring in a bill "to explain and amend the act of the 9th of Queen Anne, intituled 'An act for 'rendering the proceedings upon writs of mandamus and infor-'mations in the nature of a *quo warranto*, more speedy and effec-'tual; and for the more easy trying and determining the rights of 'offices and franchises in corporations and boroughs.'" Leave was accordingly given to bring in the said bills. The first bill was brought in on the 25th of May, and passed the Commons, with little opposition, on the 2d of June. It was debated in the Lords on the 8th, when the chancellor opposed its further progress in that session. His lordship said, that although its principle met with the concurrence of all those noble and learned friends, with whom he had conversed on the subject, yet in consideration of the advanced state of the session, and the importance of the bill, he should move, "That instead of being read a second time on that day, it should be read a second time that day month." Lord Camden declared himself a friend to the bill, not because it tended to alter the law of the land, but because it established it. He contended, that the jury already did possess, and always had possessed a legal right to form their verdict on the whole case, law, fact, and intention, how much so ever this right might have been discountenanced by the judges. Lord Loughborough pursued a similar line of argument. He considered the bill as a declaratory bill, the object of which was, not to make that law, which was previously supposed to be of a different description, but to declare and explain what was understood to be at that instant the existing law of the land. The bill, he said, was agreeable to the direction, which as a judge he had himself always given in cases of libels. He wished therefore to be ranked among its warmest advocates; nevertheless, since they were arrived at a period of the session, when it was impossible for them to proceed with it consistently with the respect which was due to themselves, to the subject itself, to the rights and to the tranquillity of England, he concurred in the prudent proposal of deferring it. Lord Grenville supported the same side of the question. He thought that it would be unwise and indecorous for their lordships to proceed in such a bill without the assistance of the judges, from whom a declaration of what was understood to be the existing law upon the subject would come with more weight and authority, than from any other quarter. The Marquis of Lansdowne spoke much in favour of the liberty of the press; but against its licentiousness. He professed himself to be a zealous friend to the bill; and argued against the proposed delay. The lord chancellor's motion was carried, and the bill was of course postponed.

In the succeeding session, however, the bill was triumphantly carried through both Houses, and passed into a law.

The following copy of this celebrated bill is transcribed from the statute-book:

Copy of Mr. Fox's Libel Bill.

I. "Whereas doubts have arisen, whether, on the trial of an indictment or information for the making or publishing any libel, where an issue or issues are joined between the king and the defendant or defendants on the plea of not guilty pleaded, it be competent to the jury impanelled to try the same to give their verdict upon the whole matter in issue; be it therefore declared and enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that on every such trial, the jury sworn to try the issue may give a general verdict of guilty or not guilty, upon the whole matter put in issue upon such indictment or information, and shall not be required or directed, by the court or judge before whom such indictment or information shall be tried, to find the defendant or defendants guilty, merely on the proof of the publication by such defendant or defendants of the paper charged to be a libel, and of the sense ascribed to the same on such indictment or information.

II. "Provided always, that on every such trial the court or judge, before whom such indictment or information shall be tried, shall, according to their or his discretion, give their or his opinion and directions to the jury on the matter in issue between the king and the defendant or defendants, in like manner as in other criminal cases.

III. "Provided also, that nothing herein contained shall extend, or be construed to extend, to prevent the jury from finding a special verdict in their discretion, as in other criminal cases.

IV. "Provided also, that in case the jury shall find the defendant or defendants guilty, it shall and may be lawful for the said defendant or defendants to move in arrest of judgment on such ground, and in such manner, as by law he or they might have done before the passing of this act, any thing herein contained to the contrary notwithstanding."

East India Budget.

May 24.

THIS day Mr. Dundas brought forward the East India Budget. After much correspondence with the several presidencies, he said he was at length enabled, for the first time, to state the revenues of our Oriental possessions from something like a regular

account. Hitherto he had been obliged to make out rather an estimate than an account, from a number of detached accounts sent home by the several presidencies. He was now furnished with accounts from each, shewing the whole receipt and expenditure for three years, on which he could strike an average, and also with a comparison of the estimated and actual receipt and expenditure for the last year, which might serve as a test of the reliance to be placed on those estimates, whence alone the balance of the current year must always of necessity be calculated. From these documents it would be seen, that the British revenues in the East Indies, amounting to seven millions, after deducting all the expences of government, left a clear surplus of 1,409,079*l.* either to be laid out in investments, or applied to contingent services. He mentioned one fact, which it was no more than a debt of justice to Mr. Fox to notice. In the month of November 1783, when he moved his celebrated India bill, Mr. Fox estimated the debts of the company at nearly ten millions, while the company themselves rated them at only four millions; but in truth, Mr. Dundas said, before the year 1785, they actually did owe above ten millions. Mr. Dundas concluded with expressing his conviction, that the day was much nearer, when the resources of India would furnish assistance to this country, than when this country would be obliged to lend her aid and support to India.

Mr. Fox said, he did not mean to trespass long upon the committee, but he thought himself particularly called upon to say something in reply to what had been urged in some parts of the speech which they had heard from the right honourable gentleman who had just sat down. And one striking point in it, and a most material one he considered it to be, was that towards the conclusion, where the right honourable gentleman stated, that the day was near at hand when India might be expected to be in that flourishing state, that in place of calling upon England for aid, India would be enabled to afford assistance to England. This was an opinion, Mr. Fox said, that, were it well founded, must give the greatest satisfaction to the country. He owned, however, that it did not appear to him to be well founded, upon any one ground of statement or argument, that he had yet heard or been able to collect. He must likewise say, that it had not the greater weight with him, when he heard the assertion come after a most cautious and evasive declaration, that with regard to the papers on the table, as far as they respected the expences of the war in India, the committee were not to consider themselves as possessed of the right honourable gentleman's own opinion upon that subject, or the probable result of it. A great part of the right honourable gentleman's speech, Mr. Fox said, had been employed to exculpate himself from the charge of being the author of the war in India. For

his part, he thought it mattered not so much who was the author of it, as what were likely to be the consequences of it; and upon that point, he believed, there could be but one opinion in the country, and that was entirely against any war of the kind, which could be attended with no good effect, was a certain expence and calamity both at home and in India, and had not for its object any thing that could justify the policy, justice, or expediency of it. He never had said that the right honourable gentleman was the author of it; for he had no pretensions to say so, when he took such pains to disclaim it; nor had he ever given his opinion on the amount of the expences which might be incurred by that war.

The right honourable gentleman had taken great pains to convince the committee that no opinion could be formed of the expence by the estimate on the table; and at the same time, in a very curious manner, he had argued as if he wished them to believe that the expences hitherto incurred did not exceed that estimate. Mr. Fox said, he believed the fact to be quite otherwise, and that the expence already far exceeded the estimate; a matter that, perhaps, with more propriety might be afterwards discussed. He believed that the expence would certainly amount to five or six millions at least. From all that could be made out, from what official information they had received, from common report, and from the latest letters from Madras, it was generally believed that it would be much greater, and the event of the war very uncertain. The right honourable gentleman had alluded to his opinions, upon a former occasion, respecting the amount of the debt in India, arising from the arrears and other charges after the last war in that country, and had stated that those arrears had far exceeded even what his (Mr. Fox's) own opinion had reckoned them at, and that the total debt amounted to more than ten millions. Now, with this before their eyes, would any person be bold enough to say, that arrears and debts would not increase after this war, even when it was concluded, in the same manner as they did before? If they could say so, he should be glad to know upon what supposition their opinions were founded. In short, this estimate, when all the authority which the right honourable gentleman could give it was added to it, seemed by his own account to be worth nothing, as a guidance to the committee, or from which they could form any guess of the probable expence.

The right honourable gentleman had stated, Mr. Fox said, that he could not answer for the success of the war. To be sure he could not; but if any reliance was to be had on the argument which the right honourable gentleman had

used thoughout the whole of the discussions on this Indian war, certainly the committee had reason to expect that success would be the result of it; and if they thought this was the right honourable gentleman's real sentiments, they no doubt would entertain sanguine hopes that his opinion was well grounded. Much stress had been laid upon the manner in which the events that had already happened in India, were represented in this country; and it had been said, that both in their nature and consequences they had been much exaggerated. But if this was the case, he would ask, what steps ministers had taken to convince the public that the facts were otherwise than what common report stated them to be? On the contrary, from their total suppression of all official communication, and their silence with regard to the dispatches they had received, might it not be inferred, that their own opinion of the information was worse than the statement which the public had could lead them to form; when it seemed they dared not publish the accounts which they had received?

Mr. Fox again stated, that he had not given, nor could he give, a direct opinion of what might be the probable expence of the war; but he could give an opinion as to the impropriety and the injustice of the object of it, which he understood to be that of extirpating Tippoo Sultan. He, however, trusted that we should, by some kind of peace or other, and by not accomplishing that object, save from disgrace and infamy the British character in India. He could not prophecy any more than the right honourable gentleman; but he did believe that we should be mistaken in all our hopes of success, mistaken in all our designs and pursuits against Tippoo, and finally mistaken in our attempts to drive him from the Mysore country. Events, that had already happened, justified these assertions, and we were daily hearing something or other which tended to corroborate them. Mr. Fox paid many compliments to the British army now in India, and was convinced, he said, of their exertions. They possessed military ardour, great professional skill, and conspicuous gallantry. Highly, however, as he rated the character of the British forces, we had no reason to think contemptuously of our adversary; every fresh account only tended to confirm us in a contrary opinion. He would therefore insist, that the best news that this country could receive from India would be, that peace was concluded; and when he said this, he should be asked, What kind of peace would you wish? To this he would answer, any kind of peace, without addition of territory, that could be obtained, and was not dishonourable to the country. The

going to war for the acquisition or extension of territory, he would always reprobate as impolitic and unjust. If we persisted in the war, or he might say, even procured an immediate peace, what would be the consequence of the war we had engaged in? Why, the certainty of having our military force in India weakened and diminished; our revenues, both there and at home, drained and exhausted; and our name and character, as a great nation, disgraced and lowered in the opinion of the world at large. As to the authors of the war, whatever disgrace they might meet with, it was not his business to point them out; nor could he say whether it originated with the government in India, or the board of controul. He believed, however, the general opinion in this country was, that it was commenced in consequence of orders from home. In defending himself from any blame on this point, the right honourable gentleman had said, who could suppose that he, or those he acted with, could wish for a war? But what was this sort of argument, Mr. Fox observed, but the old exculpation of every minister, and his general defence when his conduct was called in question?

Mr. Fox came next to the general state of our finances in India, and the flourishing condition of it, which had been expatiated upon by the right honourable gentleman. He was extremely glad to hear it was so, and would be more so, when he saw and knew it to be, as described that night; but he must own, that what occurred the other day, when the finance report of 1786, and that of 1791, were under their consideration, staggered his faith a good deal with regard to all reports of that nature; and he cautioned the committee not to be too sanguine in their hopes or expectations. Let them consider, that the India debt now amounted to sixteen millions sterling, to which we were to add the 800,000l. in the estimate upon the table, and then say, whether, in the present appearance of circumstances, there were strong grounds for sanguine prospects. Notwithstanding all he had said against the measures which seemed to prevail in the system of government in India — notwithstanding the injustice and impolicy of the war now carrying on in India — notwithstanding the impoverishing, calamitous, and disgraceful consequences that must attend the continuance of it — notwithstanding the certainty of the expence, and the improbability of advantage accruing to this country from it — still Mr. Fox said, he would close with the right honourable gentleman, if he could make good what he had concluded his speech with — namely, that the East India Company would never again require assistance from this country.

Mr. Thomas Grenville's Motion for an Address, advising His Majesty to decline any Interference in the War between Russia and the Porte.

May 25.

THIS day Mr. Thomas Grenville concluded an able speech with moving, "Than an humble Address be presented to his majesty, to offer to his majesty's most gracious consideration that counsel and advice, which it is the duty of the commons to communicate to the throne in every important juncture of public affairs: To represent to his majesty, that the prerogative of making peace and war, being in like manner as all the other royal prerogatives, vested in his majesty in trust for the advantage and benefit of his people, this House does conceive the beneficial exercise of that prerogative to be most constitutionally and effectually promoted by the advice of his faithful commons in parliament assembled: that his majesty's faithful commons, ever zealous to assist him in maintaining the true dignity of his crown, by enabling him to provide for the real security and happiness of his people, find themselves compelled at this juncture to express their anxious solicitude, that interests of such important concern may not be unadvisedly committed to the chances and calamities of a burdensome war: To recommend to his majesty's most serious attention the important advantages which the trade and manufactures of this country derive from their friendly and commercial intercourse with Russia, and the heavy loss which would be sustained by any interruption given to it: To submit to his majesty, that no arrangement respecting Oczakow and its district does appear to this House to be capable of affecting the political or commercial interests of this country, or to justify Great Britain in any hostile interference between Russia and the Porte: To express our reliance upon his majesty's wisdom and justice, that the peace and tranquillity which this country now enjoys, shall not be interrupted for the purpose of adding any increase of territory to the dominion of the king of Prussia: Lastly, to represent to his majesty that under the many burdens which this country has very recently voted in addition to those before imposed on their constituents, they should neither discharge their duty to his majesty nor to the public, if they did not use their best endeavours to assure the continuance of the blessings of peace, by offering to his majesty their humble and earnest advice, that his majesty, in his wisdom and paternal affection to his people, would be graciously pleased to decline all hostile interference upon the subject of the fortress and district of Oczakow, or for the purpose of procuring any farther acquisitions to the dominions of the king of Prussia." The motion was seconded by Mr. Pelham, and supported by Mr. Powys, Major Maitland, Sir W. Milner, and Mr. Fox. It was opposed by Mr. Matthew Montagu, who saw no reason to withdraw his confidence from ministers. It had become, he said, a practice on the

other side of the House, this session, to bring on, day after day, and provoke the discussion of, questions concerning prerogative; a practice which he thought exceedingly improper; for which reason he always had, and always should oppose them.

Mr. Fox rose just as the Speaker was about to put the question. He said, that as he saw it to be the determination, and as it appeared to be the desire of the greater part of the House, that the motion should go to the question, without a single word of explanation from his majesty's ministers, he rose to remind them, that since it was, probably, the last time this session of their exercising their duty as members of parliament on that important subject, they ought to endeavour at least to enable themselves to give those from whom the money was to come, some satisfactory account respecting the cause of the expence, namely, the armament against Russia. The House could not but have observed the ability with which his honourable friend had opened the address then moved, and the little or no argument that had been opposed to it from the other side of the House. His honourable friend had stated the perfect and complete theory of the constitution, and the arguments he had adduced on the subject of confidence and the prerogatives of the crown, were clearly founded on the best practice of that constitution. Mr. Fox said, it was the practice of the constitution that he admired, and always held up as the fit object of admiration, and in conformity to that, he governed and guided his own practice. The doctrines his honourable friend had laid down, had been so clearly constitutional, that he defied any man living to controvert any one of them. The House had passed, as his honourable friend had stated it, an unlimited vote of confidence; but, was their confidence never to have an end, or were they never to have any satisfaction given them respecting the object of the armament? Mr. Fox admitted that when the right honourable the chancellor of the exchequer first brought down his majesty's message, he had fairly stated that he would not flatter them so far as not to tell them, that by voting the address they pledged themselves to the probable risque of a war. But did the right honourable gentleman now mean to hold the same language? Would he do so, contrary to the opinion of every manufacturing town in the kingdom, contrary to the general sense of the country?

He was aware, Mr. Fox said, notwithstanding so much had been urged for the address then moved, and so little had been advanced against it, that, like the former motions on the same subject, it would be decided against, by a majority of that House. He would tell the right honourable gentleman, however, why he had that majority. It was,

because they believed, though the right honourable gentleman had never told them so, that he had changed his mind. That he had changed his mind, Mr. Fox said, was clear and evident, as he would prove to the House from circumstances. They would recollect, that the Russian merchants had waited on his grace the Duke of Leeds, and desired to know if his majesty's ministers could give them any information whether there would be a war with Russia or not? His grace had given them for reply, "that his majesty's ministers were so circumstanced, that it was impossible for them at that time to give the merchants any answer." The House would also recollect, that the Russian merchants had since waited on Lord Grenville, and had received a message, which though it did not formally state itself to be a ministerial message, clearly was so. In that message, the merchants were told, that they might safely navigate to the Baltic till the beginning of July. Now, he wished to know why Lord Grenville was more fit to give that answer to the merchants than the Duke of Leeds? Besides, if dates were referred to, the House would see that between the answer given by Lord Grenville and the former answer of the Duke of Leeds, there could not have occurred any thing that was not known at the time of that answer. Mr. Fox laid great stress on this, and said the right honourable gentleman was master of his own honour, but he asked, if it was not the duty of the honourable gentleman who made the motion, if it was not his own duty, and the duty of every man in that House, to feel for the honour of the country? The majority he well knew reasoned in this way,—"the minister has never told us that he does not mean to go to war, but we know him to be so good and excellent a minister, that he will not go to war, although he affects to have such an intention." Was it, Mr. Fox desired to know, for the honour of the country, to arm for a negociation, which was to end in concession and humiliation? If the right honourable gentleman did not mean to go to war, why did the armament go on at all, but for the mere purpose, as the minister thought, of enabling him to yield with some degree of dignity, but, as he thought, with additional shame and disgrace? Ministers, he contended, after proving themselves bullies, had relinquished objects which they might have commanded, and lost opportunities which they might have improved. They ought not, he said, to continue the expences of an armament, when every object of it was dead and gone.

It was, Mr. Fox said, the doctrine of the moment to hold the prerogative high, and to contend, that it was one of the undoubted prerogatives of the crown to declare war and make

peace. Under the sanction, therefore, of this prerogative, while parliament was prorogued, and they were sent about their business, the minister might plunge the country into a ruinous and destructive war. The minister had changed his mind once, and what security had they, that he would not change his mind again? Was it any satisfaction to tell them, that ministers had a claim upon their confidence, and they had no reason to be afraid, because parliament must, in case of a war, be assembled as soon as possible, and then they might refuse the supplies? Could they, or dared they? Mr. Fox asked. He would maintain, that they neither could nor dared refuse the supplies. What, when they found the country engaged in a war, and its honour committed? Undoubtedly they must furnish the means of prosecuting the war, and then they were reduced to that miserable expedient — the remedy of responsibility and punishment! That this might be a compensation in some cases he admitted, but would it be any compensation to an injured people? Did the people not know, that if parliament had not been sitting at the time, all these consequences might have happened? Parliament being sitting had saved the minister, though that was a very small consideration. Indeed, parliament being sitting, had more than once, he believed, saved the country.

Mr. Fox here considered the case in both points of view; namely, whether the minister had changed his mind and did not go to war, or, on the contrary, if he pursued his original intention and did go to war; and contended that, take it which way they would, the consequences would be mischievous and disgraceful. He would, he said, take the best alternative, and suppose the right honourable gentleman's mind to be changed. In that case, when they went back to their constituents in the country, how were they to answer for the expences they had put them to? Their constituents would ask, what did you arm for? Would they say, to make peace between Russia and Turkey? Or would they more truly say, to give Dantzic and Thorn to Prussia, two places, of the independence and liberty of which they were the avowed guarantees? Or would they say, we armed to insist on Oczakow being restored to the Turks? Mr. Fox declared, that when the real causes of our arming came to be known, we should appear in the character of avowed bullies, and become the laughing-stock of all Europe. He commented on the absurdity of our forcing our interference, as negociators, upon Russia, and insisting that she should give up Oczakow, and all the deserts belonging to it, to the Porte. He said, take the case the other way, and suppose that the right honourable gentleman had not changed his mind, it

would then be ten times worse. After calling upon the minister to make out a story for them, and to furnish them with some plausible reason to assign for their conduct, he declared if he were to assign without doors the reasons, and the only reasons which he had heard from the minister's friends, for our having armed, and one of those friends were to hear him stating those reasons to his constituents, he should not be surprised if that friend of the minister were to say, "Take care of Mr. Fox, he is deceiving you. The minister does not mean to go to war at all." He asked, if the secret, that we were not going to war, had got out here, did the right honourable gentleman think that they would not soon know it at Petersburgh? It came with an ill grace from us, he said, that we should set up for the character of the peace-makers of Europe. He asked, were we yet acquitted of having occasioned the very war to which we pretended to put an end? Report charged us with the fact. Report also imputed to us the drawing Sweden into the last war; and the grief we expressed when Sweden made peace with the empress without us, rather served to confirm the suspicion. Nor were we altogether free from its being thought that the late disturbances in the Netherlands were owing, in a great measure, to our intrigues. While, therefore, we assumed the character of peace-makers, we stood charged with having embroiled all Europe. Would the king's minister, he asked, deny, that if it had not been for his interference, peace would have been established between Russia and the Porte long ago? Mr. Fox reprobated what he termed the new doctrine, that out of every defensive treaty grew a defensive system, which gave us a power to attack any one of our allies. Perpetual interference, he said, would, in that case, occasion perpetual war. He spoke of the degree of power that the mere accident of the present situation of France had given us, and declared, that had we used it rightly, we might have done any thing. Such a situation had never before, he said, occurred, and ought to have been wisely used. In the reign of Queen Anne, or any of the most glorious periods of our history, no such situation had occurred, nor any like it. If it had, what a use would the Duke of Marlborough or Lord Godolphin have made of it! It was, he declared, the mere effect of chance that we had it in our power to make ourselves so potent. We might say with the poet,

——— Quod optanti Divûm promittere nemo
Auderet, volvenda dies en attulit ultro.

What Cardinal Richelieu, or any of the first ministers of any age or time, would have given any thing to possess, the

right honourable gentleman had totally thrown away. The right honourable gentleman had put himself, and not himself only, but his country, in such a situation, as whole years of moderation and pacific measures were necessary to wipe away, and would scarcely retrieve.

After Mr. Pitt had replied to Mr. Fox, the House divided,

	Tellers.			*Tellers.*	
YEAS	Sir James Erskine Mr. M. A. Taylor	114.	NOES	Mr. Steele Mr. Adams.	208.

So it passed in the negative.

MR. GREY'S MOTION FOR AN ADDRESS, IMPLORING HIS MAJESTY NOT TO PROROGUE THE PARLIAMENT WITHOUT COMMUNICATING SOME DISTINCT INFORMATION RELATIVE TO THE CAUSE OF THE PRESENT ARMAMENT.

June 2.

THIS day Mr. Grey moved, "That an humble Address be presented to his majesty, to express the deep concern his faithful commons felt at being called upon for a promise to make good the expence of new preparations for war, after having been so recently obliged to impose on their constituents additional taxes on account of the late armament in Spain: Humbly to represent to his majesty, that in the answer which they gave to his majesty's most gracious message, his faithful commons acted on a firm reliance that his majesty's paternal care and regard for the welfare of his people would not suffer him, by a causeless interference in the disputes of other countries, to endanger the peace and tranquillity of this: That no inquiry was made into the particular circumstances which had induced his majesty to arm, and a promise of support was given as indefinite as the object for which it was demanded: That since that period two months have elapsed; the preparations for war are still continued—the expence, for which his majesty's faithful commons must hereafter provide, is daily increasing—no information as to its cause or object has yet been given; and if parliament should now be prorogued, his majesty's faithful commons will be placed in the disagreeable, and hitherto unprecedented situation, of returning to their constituents, after having, by a vote of this House, subjected them to new burdens, the extent of which they cannot limit, and the justice or necessity of which they cannot explain: For these reasons, and others which the circumstances of the times may suggest, his majesty's faithful commons humbly implore his majesty not to prorogue the parliament, till his majesty shall have it in his power to communicate to them some distinct

information relative to the cause of the present armament; in order that, if actual hostilities should take place, and it should be necessary for his majesty to incur any farther expence, his faithful commons may have an opportunity of exercising their hitherto undisputed privilege, and discharging their most important duty, in considering the extent and propriety of the same; as well as of assisting his majesty by their advice, to form a just judgment both as to the expediency of past measures, and the policy of future councils: And they humbly beg leave to assure his majesty, that they will cheerfully forego the private benefits and comforts of an early recess to fulfil a duty highly necessary to the public satisfaction, and of the utmost importance to the policy, if not to the salvation, of the state."—Mr. Fox and Mr. Sheridan both rose to second the motion. It was first opposed by Mr. Bragge, who observed, that the honourable mover thought that the House was indefinitely pledged to support a war; so far from it, the vote the House had given, when they sent up an address in answer to the message, was to enable his majesty to arm. They still had the purse in their hands, as no money had yet been voted for a war. When he looked back upon the conduct of the chancellor of the exchequer, saw how he had conducted himself, and that he had obtained, even from his adversary, a confession that he was a fortunate minister, his friends had a fair right to impute that to his wisdom, his integrity, and his abilities, which his enemies ascribed merely to his good fortune. The House, he said, were bound in consistency to reject the present motion.—Mr. Whitbread, since he saw the minister was determined to persist in his contemptuous silence, said he should thank his honourable friend for having brought forward his motion, which afforded him an opportunity of expressing his indignation at the conduct of the political Procrustes of the times, who fitted his patients to the size of his bed, and not his bed to the size of his patients, but lopped off or added just as suited his own purpose. If he were in a situation, which he flattered himself he never should be found in, namely, that of having given the present minister his confidence, and upon parliament being prorogued, his constituents should ask him what was the object and extent of the vote he had in their name given, he desired to know what answer he could make? If he said, he really knew nothing of the matter, would not his constituents say, did you vote without knowing for what? did you not ask the minister the question? did you sleep upon the post we put you upon to watch over and guard our interests? Then would they say, we must pronounce you unfit to be any longer our representative, since you are either ignorant or corrupt.

Sir Elijah Impey opposed the motion. He reminded the House, that the minister had said, he should think it his duty, before hostilities commenced, to lay before the House distinctly the grounds upon which it was deemed necessary to enter into that hostility. The answer to this was motion after motion, upon which the House had severally voted in favour of the minister, and surely there was a time when the question ought to be set at rest. An honourable gentleman, Sir Elijah observed, had asked what he was to tell his

constituents, when they enquired for what his vote had been given? That honourable gentleman ought to tell his constituents the truth; that it was to enable his majesty to arm in order the more effectually to negociate; but, that if war should be necessary, the House would know the grounds of it before hostilities commenced.—Mr. Pitt said, that his majesty's ministers had been so often personally alluded to, and especially by the honourable and learned gentleman who had just sat down, that he was extremely desirous of being perfectly understood. He had undoubtedly stated, that by the vote which the House had come to upon his majesty's message, they had not pledged themselves to support a war, should the negociation end in hostilities; but if that should unfortunately be the case, that whenever gentlemen were called upon to vote either money or approbation, it would be the duty of ministers to state, and to state distinctly, what the grounds and occasion of those hostilities were.

Mr. Fox said, he was extremely anxious to rise, while the right honourable gentleman's words were fresh in the memory of the House, and to call the attention of gentlemen to the wide and essential difference between the statement of the right honourable gentleman, and that of his honourable and learned friend (Sir Elijah Impey). When the latter had concluded, he was ready to get up and entreat his honourable friend to withdraw his address, if gentlemen on the other side would adhere to what the honourable and learned gentleman had said, which was, that parliament were not pledged by any vote to agree to a war, and that before hostilities commenced, the minister must lay before them the grounds for going to war; in that case, all he would have asked, instead of the address, would have been a resolution, that the minister could not go to war without giving previous notice to that House. However, it was better as it happened, that he had given way to the right honourable gentleman who spoke last, and who had stated the matter in a very different light. For he had said, that we had already voted an armed negotiation; but should that negotiation unfortunately end in war, when he came to ask supplies for the expence of that war, he should think it his duty to lay the grounds of that war before the House; so that in place of parliament having previous notice, and its being in their power to prevent a war, should they disapprove of it, which he was sure they must, they were to be prorogued upon the eve of its commencement, and when called together six months afterwards, would have to defray the heavy expence of carrying it on all that time; which it would be impossible to refuse after it was incurred. Now, he would state, Mr. Fox said, by way of hypothesis, that this war, which must be disapproved of, had been going on during the time they were absent; a great increase of the

army, navy, and supplies, ordinary and extraordinary, must be called for; he would therefore ask, whether it would not be more rational to stop the calamity in the outset, than to come to parliament for advice or assistance, after not only this country, but many other powers, might be entangled in a ruinous and expensive war? The first was most likely to secure the peace and happiness, the other the certain way to spill the blood and waste the treasure of the country. His constituents, he said, were not far off, and their sense might be soon known. But on the opening of the session, it was much boasted, that the address to his majesty was moved by the representative of a great county, and seconded by the representative of a rich and populous city. And what, he would ask, could any of them say to their constituents? Why, that they had voted for a foolish armament, they knew not why, and had voted away large sums of their money without knowing wherefore! All this, however, must be done from confidence in the minister, and a delicacy about interfering with the king's prerogative;—for, upon a strange construction of prerogative, they were not to interfere to prevent an unjust war, but when ministers came to ask money for the expence of it, they were to lay the grounds of the war before the House—a very great satisfaction to be sure;—but he feared that would be but cold comfort to their constituents. It had been said, that we were to arm, (but not to go to war,) from confidence. This was a different question: but the fair state of the business, he said, was, that while they gave confidence to ministers, they were to remain in town; and when it was their duty to watch the conduct of ministers and the interests of their constituents, they were to be dispersed over the country; so that when they were to confide, which they might as well do in their houses in the country, they were to be present; and when they ought to watch, they were to be absent! And supposing when they were called together in November, they should find, that while parliament was not sitting, the country had been plunged into war, and an accumulated load of expence had been heaped upon their constituents without their approbation, consent, or knowledge,—why, terrible and destructive as this prospect would be, all power to prevent it would be taken from parliament by the prorogation, and the mischiefs of this rash and unprofitable system would be known when too late to be remedied. For, assuredly, peace was not so easily to be made, as it was to be broken!

At the commencement of this war, when it is the duty and the right of parliament to enquire into and know the situation of the country, the king's minister tells them,

that they shall not continue to sit; and, having got so much confidence for his negociation, till they are to be called upon for the expences of the war, they are not to know why it was entered into; and for this unparalleled and monstrous conduct of ministers, they shelter themselves, as usual, under state secrecy, which they find amazingly useful upon all similar occasions. Much had been said about consistency, and the period at which it would be the duty of ministers to give some explanation, though some gentleman had gone so far as to say it might never arise, particularly the honourable and learned gentleman who had given him a speech for his constituents, and had told him to say to them, that he had voted from confidence in the king's minister for a negociation, and that the minister had referred him to a period when, perhaps, explanation might be given. This, and the king's prerogative to involve the country in a war, were the two good reasons they were to have for all the calamities that must attend it! Upon such a speech to their constituents, would they not have a good right to say, — "You are unworthy of the trust we have reposed in you; you have fled from your duty, and have risked our blood and treasure, and imposed fresh and oppressive taxes upon us." For he would maintain, that it would be impossible for the House of Commons to refuse to pay the expences when they met in November; and there was no other way of raising the money, but by taking it from the pockets of the people by taxes. In this country it had been understood, that the people could not be taxed without their consent, given by their representatives in parliament; but this constitutional language was exploded, and we were told that it might be otherwise, because the expences were incurred upon the right of the king and his ministers to involve the country in a war, without the consent of parliament; which, Mr. Fox said, he absolutely denied, strongly as it had been put that night. It was true, the king could make war; but could he command a fleet or an army without the mutiny bill? Could he raise a shilling to pay them? In short, admit the right of the Commons to grant or withhold the supplies, and give him his great prerogative, and what was it? But gentlemen said, we are not asking much; trust the king and his ministers only with a few of your privileges, just a small armament or so, only to put the nation to a little expence of blood and treasure. For his part, he would say, no. If you once say A, you may soon say B, and therefore, however much he respected the just prerogatives of the crown, he never would encroach on the privileges of the people.

When a prorogation of parliament without the advice of parliament, was mentioned, we were told, — "Beware, you are infringing upon the king's prerogative, who has the undoubted right to dissolve and prorogue parliament." God forbid that this House should attempt to wrest any of the king's prerogatives from him; and much, they were told, ought to be confided in the proper use of it! These might be fine words, and sound well; but then came another prerogative, that of involving the country in a war without the consent of parliament, which likewise must not be interfered with. Was this either a decent or right way of arguing, or was it not the most extraordinary that could have been used? Were we in the situation which this extended and novel idea of prerogative placed us, our situation would be that of an absolute monarchy of the very worst sort. Knowing all this, then, what must the country think of the mysterious proceedings of the present session, and more particularly its abrupt and improper prorogation, should it take place! If an answer might soon be expected from Russia, could there be any good reason for proroguing before that came? Should the negociation terminate in hostilities, there must be an increase of the army, an increase of the navy, and an increase in many establishments, which would amount to very large sums; and when they met in November, all this must be provided for, whether the cause of the war was approved or not. The expences, such as stores laid in, and other articles, were of a nature that it was impossible for parliament to avoid paying them, whatever the amount might be. For all this calamity, and all the other bad effects that must follow an unjust and impolitic war, what was the recompense? It had been said, that ministers were responsible for what they did. Undoubtedly they were. But what was the punishment of a minister? It might serve as an example, but it could not atone to the country for the ruinous disasters that his folly, ignorance, or rashness had occasioned.

Mr. Fox said, he was surprised to hear the lateness of the season so often mentioned, when it was known that in preceding years they had sat much later. But, perhaps, it would be said, that there were more urgent and important causes for it; that the country was in an uncertain and alarming situation; or that we had much to fear from the situation of other powers. With what degree of justice this was to be said, he left to the House to determine. This measure might now suit the minister's convenience, by getting rid of the parliament, but it might also ultimately be his ruin. He seemed to wish for an absolute power over the House, from the vote they had already given; which no minister would, however

fond of prerogative, hold long over a parliament in that country.

It had been said, that he had called the right honourable gentleman a great and a fortunate minister; and then he was reminded of the auspices of Cæsar and other great names of antiquity, as if what he called fortunate, other men would call wise. He knew all this. He knew that where a series of success had followed the conduct of any man, that which his enemies might attribute to fortune, his friends would with justice ascribe to wisdom. But in this sense, he had never called the right honourable gentleman either great or fortunate. He had described him as great in situation, and great in power, by fortunate circumstances, over which he had no controul, and in producing which he had no influence. The revolution in France, for instance, he had often described as a most fortunate circumstance;—as an event by which this country was exalted to pre-eminence among the states of Europe, which could not have been attained by any other means. Would the right honourable gentleman or his friends contend, Mr. Fox asked, that the wisdom of the right honourable gentleman had any concern in bringing about that revolution? That was, indeed, a fortunate event for the ministers of this country. Most unfortunate, however, had been the use of it! Instead of availing himself of the advantages which it presented, which even obtruded upon him; instead of exhibiting the temperance, the moderation, the disposition to conciliate, so conducive to the honour and the interest of a great nation; he had thrown them all away by rashness and insolence; for friendship he had procured enmity, for respect contempt. He had descended from the high elevation on which fortune had placed him, and had reduced himself to the necessity of having recourse to temporary shifts and expedients, by what he should ever consider as the most deplorable incapacity.

Mr. Fox said, let his friends look to the consequences; but let them not, when those consequences were too sensibly felt to be disguised, take the reverse of their present argument, and say, "What you call impolitic, we call unfortunate." He wished the present question might be carried by a great majority. If it were not, he wished the majority to be as respectable as possible; but, were there none to vote for it but his honourable friend who moved it and himself, with his honourable friend he should be proud to divide. His honourable friend, it was said, was put forward as the weakest of the party. Well might they say, *Ex pede Herculem!* What must be the strength of that party of which his honourable friend was the weakest? If the question, in effect,

had been already decided, it was far from improper to renew it in another shape; and even where other men had failed, the strength of his honourable friend was such as to make it far from a desperate experiment. Of this he was sure, that his honourable friend, by bringing forward the question, had merited the gratitude of posterity, and would receive the thanks of his constituents and his country. The honourable and learned gentleman had said, that the minister must give an account of his conduct at the proper time. If he did not give that account, he trusted the honourable and learned gentleman, notwithstanding his dislike to impeachments, would lend his aid to impeach him. The system of foreign politics which we had adopted, rendered us at once the hatred and contempt of Europe. It might be truly and emphatically described in the four words, once applied by a great statesman to the measures that gave birth to the American war—*Odiosum, detestabile, imbecillum, caducum.*

After the motion had been opposed by Mr. Dundas, and supported by Mr. Windham and Mr. Sheridan, the House divided,

	Tellers.			*Tellers.*	
YEAS	Mr. Grey Mr. M. A. Taylor	75.	NOES	Mr. Steele Mr. J. Smyth	170.

So it passed in the negative.

ADDRESS ON THE KING'S SPEECH AT THE OPENING OF THE SESSION.

January 31. 1792.

PARLIAMENT was not assembled until the 31st of January 1792, when his majesty opened the session with the following speech:

"My lords, and gentlemen; The many proofs which you have given of your affectionate attachment to my person and family, leave me no doubt of your participating in the satisfaction which I derive from the happy event of the marriage which has been celebrated between my son, the Duke of York, and the eldest daughter of my good brother and ally the King of Prussia: and I am persuaded that I may expect your chearful concurrence in enabling me to make a suitable provision for their establishment.—Since I last met you in parliament, a definitive treaty has been concluded under my mediation and that of my allies, the King of Prussia and the States General of the United Provinces, between the emperor and the Ottoman Porte, on principles which appear the best

calculated to prevent future disputes between those powers. Our intervention has also been employed, with a view to promote a pacification between the Empress of Russia and the Porte; and conditions have been agreed upon between us and the former of those powers, which we undertook to recommend to the Porte, as the re-establishment of peace on such terms appeared to be, under all the existing circumstances, a desirable event for the general interests of Europe. I am in expectation of speedily receiving the account of the conclusion of the definitive treaty of peace, preliminaries having been some time since agreed upon between those powers.—I have directed copies of the definitive treaty between the Emperor and the Porte to be laid before you, as well as such papers as are necessary to shew the terms of peace, which have been under discussion during the negociation with the court of Petersburgh.—I regret that I am not yet enabled to inform you of the termination of the war in India; but the success which has already attended the distinguished bravery and exertions of the officers and troops under the able conduct of Lord Cornwallis, affords reasonable ground to hope that the war may speedily be brought to an honourable conclusion.—The friendly assurances which I receive from foreign powers, and the general state of affairs in Europe, appear to promise to my subjects the continuance of their present tranquillity. Under these circumstances I am induced to think that some immediate reduction may safely be made in our naval and military establishments; and my regard for the interests of my subjects renders me at all times desirous of availing myself of any favourable opportunity to diminish the public expences.

"Gentlemen of the House of Commons; It will, I am persuaded, give you great satisfaction to learn that the extraordinary expences incurred in the course of the last year, have, in a great measure, been already defrayed by the grants of the session. The state of our resources will, I trust, be found more than sufficient to provide for the remaining part of these expences, as well as for the current service of the year, the estimates for which I have directed to be laid before you.—I entertain the pleasing hope, that the reductions, which may be found practicable in the establishments, and the continued increase of the revenue, will enable you, after making due provision for the several branches of the public service, to enter upon a system of gradually relieving my subjects from some part of the existing taxes, at the same time giving additional efficacy to the plan for the reduction of the national debt, on the success of which our future ease and security essentially depend.—With a view to this important object, let me also recommend it to you to turn your attention to the consideration of such measures as the state of the funds and of public credit may render practicable and expedient towards a reduction in the rate of interest of any of the annuities which are now redeemable.

"My lords, and gentlemen; The continued and progressive improvement in the internal situation of the country will, I am confident, animate you in the pursuit of every measure which may be conducive to the public interest. It must, at the same time,

operate as the strongest encouragement to a spirit of useful industry among all classes of my subjects, and above all, must confirm and increase their steady and zealous attachment to that constitution which we have found by long experience to unite the inestimable blessings of liberty and order, and to which, under the favour of Providence, all our other advantages are principally to be ascribed."

The usual address in answer to the speech from the throne having been moved by Mr. Charles Yorke, and seconded by Sir James Murray, Mr. Grey moved an amendment, by leaving out the words, "although we cannot but regret that his majesty is not yet enabled to inform us of the termination of the war in India, we reflect, with just satisfaction, on the success which has already attended the distinguished bravery and exertions of the officers and troops under the able conduct of Lord Cornwallis; and we rejoice that his majesty sees reasonable ground to hope that the war may be speedily brought to an honourable conclusion;" in order to insert these words, "sensible of the disadvantages of a procrastinated war, and convinced that it must be attended with almost certain ruin to the finances of the company, we cannot but observe, with the utmost regret, that the prospect which his majesty held out to us, in his most gracious speech from the throne, at the opening of the last session of parliament, has not yet been realized. At the same time gratefully to acknowledge his majesty's paternal care and attention to the safety and happiness of his people, expressed in his benevolent wish for the conclusion of a speedy and honourable peace," instead thereof. The amendment having been opposed by Mr. Dundas,

Mr. Fox rose and expressed his regret, that after having agreed in the address to his majesty on the opening of the session for so many years, although during that time he had generally differed from those entrusted with the administration of his government, he should now find himself obliged to oppose any part of it, when it contained so many topics, on which he, and every man who respected his majesty's personal feelings, and rejoiced in the prosperity of the country, must cordially concur.

On the first topic, no man could stand forward with more readiness and sincerity than he did to congratulate his majesty. No man could participate more cordially in the satisfaction which his majesty derived from the illustrious connection which the Duke of York had formed, at once honourable to himself, and auspicious to his country; and he trusted there would be no difficulty opposed to enabling his majesty to form a suitable and speedy establishment for his royal highness and his consort.

To several other topics introduced into the address, he could give his warmest approbation. The honourable gentleman who moved it, seemed to approve, with a degree of reluctance, that part of the speech which related to some reduction of our

naval and military force. He had always been of opinion that such reductions might have been made at a much earlier period; but so little was he disposed to find fault with the past, and so happy to approve when he had an opportunity of approving, that provided the reductions were at last made in a fair and effectual manner, so as to afford substantial relief to the country, the honourable gentleman would be but a cold supporter of the measure in comparison with himself.

The parts that related to the increase of the revenue, and the general prosperity of the finances, must be satisfactory to all who had an interest in the welfare of the country; but if when the accounts came to be laid before the House, that increase should be sufficient to defray the late extraordinary expences, that circumstance would be no justification of the conduct by which those expences were incurred. It was no excuse for unnecessary profusion, that the nation was possessed of unexpected resources; nor could any minister be allowed to say, It is true I have been lavish of the public money, but the public industry and the public wealth have outstript my profusion. It had been said, '*Stultitiam patiuntur opes*,' but it would be a very dangerous assumption in politics, that the wealth of any nation could be greater than national folly would overcome.

Having said this much in general terms, Mr. Fox proceeded to comment on other parts of the address, to notice the omission of some things which ought to have been mentioned in his majesty's speech, and to state his reasons for voting the amendment moved by his honourable friend. The gentlemen who moved and seconded the address, had not confined their remarks to the terms of the speech, but had extended them to the articles of the pacification effected by our mediation in conjunction with our allies. For his own part, he was too blunt to see, and too dull to comprehend, how either the new or the old line of demarkation between the house of Austria and the Ottoman Porte could be of the least importance to this country; but he could not help observing the curious manner in which the new line had been settled. It was said, in the first instance, that preliminary articles had been settled between the contending powers, on the foundation of the *status quo*, not such a *status quo* as the French had formerly devised, a *status quo* as things ought to be, but a *status quo* as they actually were before the war. This foundation, for the honour of the mediating powers, was to be strictly maintained in the definitive treaty; but before that definitive treaty was agreed upon, a new line of demarkation, by which a certain extent of territory was to be transferred from one to the other, was also agreed upon the same day. This was ridiculous; and if

was of consequence to nations to prevent their proceedings from being the subject of ridicule. Instead of negociating, and even arming, to maintain an absolute *status quo*, and agreeing in the same instant to a demarkation of limits, by which that *status quo* was to be completely surrendered, how much more honourable and dignified would it have been to have resorted to the convenient term, "existing circumstances," as applicable, surely, to the negociation with Austria, as to that with Russia, and have taken the French *status quo* of things not as they had been, but as they ought to be in future. While he animadverted on the absurdity of thus insisting on a *status quo* in words, and conceding it in fact, he desired to be understood, that neither for the new nor the old line of demarkation, would he have agreed to hazard the hundredth part of a British life, or the hundredth part of a British pound.

On the negociation with Russia, the House were promised the papers necessary for their information; and till those papers were before them he should reserve what he had to say on the subject. If the information was partially given, if they were informed only of what all the world knew, and every thing most material for them to know was withheld, he should be surprised indeed if any proof of the increasing wealth and resources of the country could induce the House to pay the expence of the armament. The honourable baronet who seconded the address had mentioned new circumstances arising as the reason that induced the minister to recede from his original propositions. He had not, however, been able to point out any of those circumstances, and at last fairly put it upon the discussions that had taken place in parliament. The honourable baronet would not be more sorry for what he had said, that he (Mr. Fox) and the gentlemen who thought as he did on those discussions, considered it as the highest compliment to their exertions, and as tending to secure to them the approbation and the confidence of their constituents and their country. In calling upon the good sense of the country, in warning the people of their danger, and obliging the minister to abandon the most absurd and impolitic attempt that ever was conceived, they had done their duty then, and had now the consciousness of having done signal service to the nation. But it was said, that these discussions provoked the contest; that but for them Russia would have yielded. That it would not have been for the interest of Russia to contend at the hazard of a war, he was ready to admit; but that the government of a country, like that of Russia, not immediately under the control of public opinion, might have been impelled by resentment or obstinacy, to resist, even at the hazard of war, was at least a probable sup-

position. The empress had declared that she would not yield, and the minister also that he would not. On this supposition, what must have been the consequence, had not the minority in parliament, and the sense of the public, interposed? The minister would have gone on with his menaces; the empress would have persisted in her claims; and he must either have gone to war for an object which was now admitted both by himself and his friends as not worth going to war for, or exposed the nation by receding, as the bully, instead of the mediator of Europe. "I meant to intimidate the empress," he must have said; "I trusted to her fears, but she was not to be intimidated; I was therefore under the necessity of apologizing for the peremptoriness of my demands, by the humility of my retraction; for the insolence of my menaces, by the meanness of my submission." Such must have been the consequences, but for the interposition of those who thought as he did, and had the courage to avow it; unsuccessful, indeed, in numbers, but strong in argument. Ministers on that occasion were not ashamed to persuade a majority to support that as of the highest importance to the interests of Great Britain and her allies, which they themselves had predetermined to give up as of no importance at all. How they who had been so persuaded, or their leaders, felt on the subject, he knew not. He knew how he himself should have felt in either situation. The honourable baronet who seconded the address, had, in the course of the last session, stood almost single in maintaining the great consequence of Oczakow in the scale between Russia and the Porte. They, therefore, who proposed to him to second an address, in which all that he had then said was in fact now unsaid, after having so long relied on the confidence of others, were at last determined to display no less a degree of confidence in themselves. It required no moderate share of confidence to say to any gentleman, "That which you so ably contended for as of the highest importance, we have abandoned as of none. Will you have the goodness to move an address, approving of what we have done?" The honourable baronet seemed to feel the awkwardness of his situation, and was obliged to shelter himself behind the cover of existing circumstances. What those existing circumstances were, he had not condescended to state.

For the farther discussion of that negociation, he waited for the papers promised to the House. He hoped when they came they would be complete, and afford ample room for full and fair discussion. They were obliged to his majesty for his gracious promise of granting the papers; for if the House persisted in the opinion adopted last year with respect to the

convention with Spain, they had no other means of obtaining any information on any negociation pending or concluded. If they could not ask for papers, they could only obtain them by his majesty's gift. In that opinion, however, he trusted they did not persist; consistency in evil being not a virtue, but a crime. The doctrine of last year was, that papers were never to be called for respecting any negociation or any treaty, unless there appeared on the face of it such strong presumptions of criminality as seemed to call for the impeachment of ministers, and induce them to fill their address with threats of gibbets and axes. The papers, he trusted, for the sake of ministers, were not given on this, but on the good old parliamentary doctrine; not on his majesty's reasoning with himself that he had armed to support a negociation, and when the armament was ready to act, given up the whole object for which he armed; that in this conduct of his ministers there was something so absurd, as made it adviseable, without waiting for an address from the House, filled with the harsh and ungracious terms of impeachment, axes, and gibbets, to send down the papers, and submit the whole business to a fair investigation. This he could not believe to be the motive of his majesty's promise, any more than that the House, or even the ministers had ever seriously adopted as a general principle, the doctrine of last session with respect to papers.

With respect to the repeal of taxes, as suggested in his majesty's speech, and most properly observed on by his honourable friend who moved the amendment, as infringing on the privileges of the House of Commons, for the uncandid and delusive purpose of catching at surreptitious popularity, he could not but remark, that the observations of his honourable friend had been treated by the right honourable secretary with a degree of levity unsuitable to the subject. To originate taxes, and to originate the repeal of taxes, was the peculiar right of the House; and any infringement, or any thing short of an infringement, that seemed to call in question that right, might be taken up as a breach of privilege. It was not, however, in that point of view that he meant to consider it. The situation of the country was that of owing a debt of vast magnitude, for which a great interest was payable, in possession of peace, and an increasing revenue. For the reduction of the debt, the House had appropriated one million annually; but in doing that, they never meant to decide that in case the revenue should increase, they would apply no more than a million to the reduction of the debt and remit taxes to the amount of all the surplus above that sum. How much they ought in any

circumstances to apply to the reduction of the debt, and how much to the immediate relief of the people by a remission of taxes, was a question of great importance and difficulty. The extreme, that the whole surplus was to be applied to pay off debt, or go to the remission of taxes, was not to be maintained on either side. What the mean might be was not easy to determine, and being so, the discussion should be free. Above all, it was extremely unfit that men's minds should be prejudiced by the authority of an opinion expressed by his majesty. The speech expressed a hope that the reduction of establishments, and the increase of the revenue, would enable them to enter on a system of relieving his subjects from part of the existing taxes. Now, what would be the case when they came to debate? Suppose he, or any other member, or even the majority of the House, to be of the harsh opinion that none of the taxes ought to be remitted—an opinion which he was far from entertaining at present or believing that he should form, and which he put merely for the sake of argument—in what a situation would they be placed! To the public it would appear that the king was willing to alleviate the burdens of the people, but that their own representatives, feeling less for them than he did, persisted in making them bear what his majesty was willing to remit. And, were men to be deterred from giving their honest opinion on a subject of such moment, or exposed to obloquy and odium if they did? The functions of that House most directly felt by the people were most of them ungracious; that of imposing taxes, and making rigorous laws for collecting them, particularly so; and it was neither just nor wise to teach them to look to the crown for every instance of grace and favour, and to their representatives for burdens and restraints. On what principle was it that the Lords could neither propose a new tax, nor the repeal of an old one? The repeal of a tax was not certainly levying money on the subject, and yet the Commons had always been as jealous of the one as the other. For what reason, but that the House might never be put into the unpleasant situation he had mentioned, of appearing to continue taxes, from which the lords, or the king, thought the people might be relieved? He repeated, that he spoke on this subject from no previous opinion, that it would not be adviseable to remit part of these taxes, and put the supposition hypothetically. To form any opinion on the subject, it was necessary to have before him the accounts of the expences and the income, of all which he was yet ignorant. He wished only to be free to form an opinion when the documents were before him, without any apprehension of popular odium to bias his judgment. It had been asked, if he would deny to the king

the pleasing part of suggesting the repeal of taxes, when he had often the unpleasant duty of suggesting the imposing of them? The king's pleasant part was, the giving his assent to the repeal, as the unpleasant part of originating new taxes, and the pleasant part of originating the repeal of old, ought to fall equally to the House of Commons. It was not, he believed, correct, that the king ever did recommend taxes. He recommended measures that required money to support them, but it was the exclusive privilege of the House to provide that money by imposing taxes, or otherwise. The right honourable secretary had said, that not the king's recommendation, but the repeal of taxes, without the substitution of others, was the novelty. Did he mean to say, that taxes never before were repealed or reduced? Within one, two, or three years after the conclusion of every war, except the last, a remission to the amount of half a million had taken place by the reduction of the land tax, and that without any suggestion from the king. It was, therefore, not the thing, but the mode that was new. When the land tax was reduced from four to three shillings in the pound, in 1763, had he been then in parliament, he should have voted against that reduction. Had he done so after a recommendation from the throne, he should have been in the precise situation in which he had shewn, that neither the House nor any individual member could be entirely free from prejudice.

He had dwelt more particularly on this circumstance, which he believed originated in no design, but merely a mistake on the part of ministers, because a strict adherence to the principles on which the three branches of the legislature had long acted with respect to taxes, tended to preserve that constitution on which he had heard so many and so deserved encomiums. To all such encomiums he most cheerfully subscribed, when they were not introduced indirectly and unfairly, with allusion to the affairs of other countries, and for the purpose of conveying censure on other persons, as entertaining sentiments hostile to the constitution. In this way they were often introduced against him, and those who, like him, did not consider themselves debarred by their reverence for the British constitution, from reading and thinking and approving of what seemed worthy of approbation in forms of government very different from it. For himself, and those who, like him, had frankly avowed their approbation of what had passed in France, he thanked the honourable baronet who seconded the motion, for having furnished him with a better expression than he could have thought of for himself. The constitution of France was essentially bad, and every thing was to be risked to destroy it; the constitution of Great Britain is essentially good, and every

thing is to be risked to preserve it. It was in vain, therefore, to say that they who rejoiced in the destruction of the one, must wish for the destruction of the other. There was no similarity between them. They were as radically different as good and evil, as freedom and slavery, and never to be mentioned in the same terms, or any inference made from the one to the other. No man could think more highly, or with greater reverence of the fundamental principles of the British constitution than he did. But he could neither shut his eyes, nor suspend the operations of his reason; and where he saw great mischiefs happen under any constitution, he could not help concluding, that the constitution was in some part decayed, or imperfect.

It must have been owing to the unwillingness of ministers to damp the pleasure arising from so many topics of satisfaction as the speech from the throne contained, that with the mention of the inestimable blessings of liberty and order, they had introduced no expressions of regret and concern at the violent interruption of order that had occurred in the course of the summer. Nothing, surely, but extreme reluctance to cast the least shade over so many subjects of rejoicing could account for such an omission. To read his majesty's speech one would imagine, that nothing had happened to disturb the long experience of liberty and order so earnestly recommended as the foundation of all our other blessings. But the cautious omission could not conceal the evil; it was impossible not to know and not to lament, that, towards the close of the eighteenth century, men, instead of following the progress of knowledge and liberality, had revived the spirit and the practice of the darkest and most barbarous ages; and that outrages, the most unparalleled and disgraceful, had been committed—disgraceful, he meant, to the country, not to the ministers. They, it was to be presumed, had done every thing in their power to prevent and to check such detestable proceedings. But whether or not they, and those who acted under them, had exerted themselves as they ought in repressing the devastations of a mob, at all times mischievous, but doubly so when it assumed the pretext of supporting government or religion, was it not melancholy to see that mob reigning triumphant for near a week in a rich and populous part of the country, and those, whose duty it was to have denounced the rigour of the law, addressing them rather in terms of approbation than rebuke? Was not this calculated to cherish an idea which but too fatally appeared to have been entertained, that the principle on which they pretended to act was not disagreeable to government, however necessary it might be to punish a few for the irregularity of their proceedings? He accused ministers neither of holding nor favouring such opinions. But when it could not be dissembled

that such opinions had been held, if not inculcated, it would have been well if his majesty had spoken of such riots, and their pretext, with horror, and of the exertions made to suppress them, and punish both the authors and the actors, with approbation. These were not riots for want of bread—such every feeling heart must pity while it condemned: neither were they riots in the cause of liberty, which, though highly blameable, and highly to be reprobated by every good man and every true friend to liberty, had yet some excuse in their principle. No, they were the riots of men neither aggrieved nor complaining, but who, pretending to be the executers of government, did not select individual objects of party animosity, or private hatred, but by personal insult, violence, and fire, set on foot an indiscriminate persecution of an entire description of their fellow citizens, that had furnished persons, as eminent, as good subjects, and as zealous supporters of the family on the throne, as any other in the kingdom could boast. Instead of passing over such acts in silence, ought not his majesty's sentiments to have gone forth as a manifesto, applying to them every epithet expressive of abomination, which the language could furnish? When men were found so deluded as to suppose that their general object was not disagreeable to government, a belief certainly unfounded, it might do much more mischief than ministers were aware of. He had supposed that all practicable measures were taken to put a stop to these riots, and to punish those concerned in them as an example to others; but after they had threatened the person, and destroyed the house of a man, distinguished by a life attached to literature and useful science, of Dr. Priestley, whom he named but to honour, when they had destroyed all the accumulated labours of his youth, when they had demolished, what neither money nor industry could replace, that which ought to have been the solace and the ornament of his age, then came from those whose rank and stations ought to have given them influence, the slow desire to desist. How was this desire expressed, and how reprobated a conduct, subversive of every principle of civilized society? "Friends and fellow churchmen! we know you by the crosses and the banners you bear. You have now done enough in this pious cause. What farther you do, you and we, your friends, must pay for. Your farther exertions might be laudable, but they would be too expensive." If holding such degrading language to a riotous mob could prevent mischief till assistance arrived; if it could save a house from the flames, much more a life, perhaps the sense of strict propriety might yield without blame, to the immediate impulse of compassion; but if neither of these was done, how contemptible! If they who held it were now ashamed of it,

so much the more was it incumbent upon them and government to do away the impression it might have made, and to declare their abhorrence of acts, which they, in a moment of weakness, seemed not to disapprove. He hoped, therefore, that if an opportunity offered, this would still be done; and he had insisted on it the more largely, as he thought an occasion might not offer of noticing it in parliament again.

Having remarked on the general topics and omissions of the speech, he came now to give his reasons why he should vote for the amendment. His majesty expressed his hopes, that by the distinguished bravery and exertions of the officers and troops, under the able conduct of Lord Cornwallis, the war might speedily be brought to an honourable conclusion. These hopes were undoubtedly of less value, from his majesty's having held out the same prospect last year, which they all knew had not been fulfilled. Had he declared his opinion last year that the war would continue till now, he should have been told that he was arguing against probability, the conclusions of those who had the best means of information, and especially the assurance of his majesty from the throne. Fresh hopes were again held out, in which he must now have less confidence from the failure of the last. "*L'on desespère, quand on espère toujours.*" They might renew their hopes from year to year, but they must not forget, that constant hoping lead at length to despair. The hopes last year were, that the war would be terminated in a single campaign; but unforseen circumstances had retarded the accomplishment. Not one circumstance had occurred that had not been foreseen, or which those who undertook the war ought not to have considered. Was the monsoon an unforeseen circumstance? Did it set in sooner, or with more violence than usual? Perhaps it might be said, that the bad conduct of our officers was the unforeseen circumstance; but here the House was most improperly called upon before the service on which they were sent was accomplished, without any ground of judging but that they had been unsuccessful, to approve of their conduct. Without much knowledge of Lord Cornwallis, but with a prepossession in favour of his character and talents, he would not prostitute the praise of the House, by approving of the conduct of an officer, who had done nothing as yet on which a vote of approbation could be reasonably founded. In what event of the present war were they to look for proofs of the ability which they were called upon to praise? He had failed in putting an end to the war within the time expected. Were they to consider that as a proof of ability? He had marched, too, against Seringapatam and failed; he had directed General Abercrombie to approach it from another quarter, and when

preparing to form a junction with him, he found that impossible, from the intervention of a river; and the only question then was, whether the army that he had ordered to meet him, through passes so difficult as were never traversed with cannon before, should get away safe—was this a presumption of ability? If the retreat of that army, instead of disgraceful and scandalous, had been most orderly and ably conducted, would merely going back amount to a proof of able exertion? The circumstances of that retreat might be owing to General Abercrombie, to his orders from Lord Cornwallis, or to causes which neither of them could prevent; he hoped it would yet appear that neither of them was to blame; but till this did appear, how could the House praise ability where they saw nothing but miscarriage and disgrace? When we talked of distinguished bravery and exertions, was the character of the British army fallen so low as to make the capture of an Indian fort, or a victory over an Indian army, a matter of distinguished triumph and exultation? Was this the utmost that was to be expected from an army the most numerous, the best disciplined, the best officered, and the best appointed, as it had been always represented, that India ever saw? Thank the stars of the British empire, our superiority in arms had been always such, that much more important conquests had been often achieved by armies far inferior in every respect to this! Respecting the feelings of Lord Cornwallis, and having a regard for his character, he deprecated this mode of insulting him with approbation, when there was no rational ground on which to found it, and he called on the friends of the noble lord to rescue him from such disgrace. His honourable friend (General Smith) had asked, if Tippoo thought the war procrastinated; if the powers of India thought the war procrastinated? He had no occasion to resort to such evidence, having the testimony of Lord Cornwallis himself that the war must be considered as procrastinated, if it lasted beyond the period of the monsoons. In the speech of last year, the confidence inspired into the powers of India by the sanction of parliament, to the measures adopted by our government there, was held out as one of our grounds of hope. Had he known the extent to which this led, he should have opposed the corresponding part of the address. That, however, did not appear till the production of Lord Cornwallis's letter to the Nizam some time after, in which his lordship writes, that the directions of the British parliament will not allow him to conclude an offensive treaty, but that the letter itself may be considered as equivalent to one. This measure was wrong in his opinion; but at any rate it could not be said, that the confidence of the native powers was engaged by the sanction

of parliament, when the very agreement on which they were acting was, if not a violation, at least an evasion of an act of parliament. He had always considered the system of offensive wars in India, as unjust, impolitic, and, whatever might be their apparent success, eventually mischievous. That we might be victorious in the present war he was still inclined to believe; but if, as the right honourable gentleman had said, towards the end of the last session, peace was the most desirable news from India, victory was not worth the hazard of failure or defeat. It had been said that he himself was sanguine last year in his hopes of success. From what he had heard of Lord Cornwallis and the army, he had been sanguine in his hopes of brilliant victories, and, (their natural consequence,) brilliant ruin to the company's finances. If the right honourable gentleman could find leisure from his other employments, (although, undoubtedly, they were numerous enough to occupy almost all his attention,) to review the history of another war, on the justice and the policy of which he had likewise the misfortune to differ with him, he would see how many splendid victories we had obtained, and how many officers, both by sea and land, had been thanked for their great and able exertions, yet all these victories and all these exertions, led, as by one uniform tenour, to eventual misfortune, and the loss of the entire object for which we were contending. There was nothing in Lord Cornwallis's conduct in that war that induced him to think ill of his abilities, and he had mentioned them incidentally, to illustrate his argument. For the victory at Camden, the thanks of the House were voted him, and reached him just time enough not to pass through the hands of an American general. Let not the House anticipate success by their praise. Let the noble lord conquer, and the due praise follow; or let it appear that he had deserved to conquer, and it would become the House to endeavour to repair the error of fortune. But at present, while all they knew for certain was, that he had formed great expectations, and that those expectations had been disappointed, let them speak with candour, and suspend both their praise and their blame. Had he his nearest relation in a similar situation, this was the line of conduct he would recommend towards him, considering nothing as more degrading than praise undeserved. His honourable friend (General Smith) whose opinion on affairs relating to India he should follow as soon as any man's, had owned that his lordship had marched against Seringapatam at a period when he thought he ought not to have done so. Was this to be considered as an instance of ability or an act deserving of praise? The cause of General Abercrombie's precipitate retreat was not yet known. He hoped both he and Lord Cornwallis

would be able to justify their conduct; but the blame, if there was any, lay between them, and the exculpation of the one must fix it on the other. It was therefore wrong to express an approbation of the one, which might look like deciding on the case, and render it more difficult for the other to clear up his character. Suppose General Abercrombie had been included in this expression of approbation, how would it have sounded? Yet it was customary on thanking the commander in chief, to thank all the officers under him, and no good reason for the omission of General Abercrombie on the present occasion could be given, except that it was impossible to withstand the ridicule of praising his ability after such a retreat. Yet no man was at present sufficiently informed to say that General Abercrombie was in fault, and Lord Cornwallis free from blame. If, in the course of his argument he had said any thing disrespectful or unpleasing of Lord Cornwallis, he was sorry for it. That he had been mentioned at all was not imputable to him, but to the introduction of his name into the speech and the address, which obliged him, in the honest discharge of his duty, to say what he had said. There was no custom that warranted expressions of approbation where nothing had appeared but miscarriage and retreat.

On these grounds, Mr. Fox said he should support the amendment. If on other topics of the speech and address he had touched but lightly, especially on the first, he desired it to be understood as owing to a sense of public duty and to a respect to that House, which did not allow him to mix his congratulations as a member of parliament on the marriage of his majesty's son, with those of his own private sentiments as a man, or to indulge the feelings of personal respect and individual attachment on a subject of general concern and national importance.

Mr. Pitt replied to Mr. Fox; after which the House divided on the question, "That the words proposed to be left out, stand part of the question."

	Tellers.			*Tellers.*	
YEAS	Colonel Phipps Mr. Robert Smith	209.	NOES	Mr. Grey Mr. St. John	85.

Mr. Grey's amendment was consequently negatived. The address proposed by Mr. Charles Yorke was then put and agreed to.

Major Maitland's Motion for Papers relating to the War in India.

February 9.

THIS day Major Maitland moved, "That there be laid before the House, 1. Copies of all orders or instructions from the court of directors, or the secret committee, to the governments of India, relative to the conduct to be observed towards Tippoo Sultan, or the Nizam, from the 1st of January 1788 to the receipt of the first accounts from India of the commencement of hostilities with Tippoo. 2. Copies of minutes of all consultations of the Bengal government relative to any negociation between Earl Cornwallis and the Nizam in 1789. 3. Copies of all correspondence between the court of directors, or the secret committee, and the government of India, relative to any negociation carried on by Earl Cornwallis with the Nizam in 1789. 4. Copies of all parts of letters from Earl Cornwallis, or the presidency of Fort St. George, relative to a considerable sum of money promised by Earl Cornwallis to the Mahrattas in June 1791. 5. Copies of all accounts received by the court of directors, in their public or secret capacity, from their servants in India, relative to proposals for peace, either written or verbal, made by Tippoo Sultan, since the commencement of the present war in India, together with the reasons assigned for not accepting the same, according to the latest advices." The motion was seconded by Mr. Francis. Mr. Dundas, in reply to Mr. Francis, insisted that the producing of papers relative to India must often be dangerous, from the sinister interpretations which might be put on the discussions to which they gave rise, by the princes and chiefs in India, to whom, when reported, they might wear an appearance very different from their real scope and meaning. He assented, however, to the demand of all the papers, except the last. He said there was no one measure of Lord Cornwallis, since he had been governor general of Bengal, for which he was not ready to take upon himself the most complete and unequivocal responsibility, and abide by the consequences either of applause or blame. Let not gentlemen, then, seek for an absent object of censure, since he had furnished them with one more near at hand: here was a quarter against which they were at liberty to direct all their arrows, and which was prepared to receive them all. Ignorant as he acknowledged himself to be of the precise extent of the expences of the present war in India, he was ready to renew a former assertion, and to declare, that the time was nearer at hand, when the resources of India would be such as to administer aid to the revenue of this country, than when India would have occasion to apply for assistance from the finances of this country.

Mr. Fox said, that he rose merely in consequence of an imputation which had been thrown out by the right honourable gentleman upon him, and upon those who acted with him, as if they felt a pleasure in attacking the characters of individuals, more especially of officers, who were absent on duty, and had no means of defending themselves. He begged the House would do him the justice to recollect, that he had ever made it a rule during the number of years which he had sat there, not to attack the character of an absent officer. He had condemned the American, as well as the present Indian war, and he had passed severe censures on those who were the authors of it; but he never went so far as to animadvert upon the professional conduct of those who were employed in commanding our forces by sea or land. The conduct of Lord Cornwallis in that war had been often the subject of his approbation. As far as regarded the military capacity of that noble lord, he was always ready to give him credit for great abilities, if his conduct seemed to warrant that opinion; but when he was called upon to vote an address, acknowledging the able conduct of Lord Cornwallis, was he not forced, as it were, to consider that conduct, and to enquire where the ability consisted? The blame, if any, should rest where it was due in this case; namely, with his majesty's ministers. Why was the House called on to applaud Lord Cornwallis, and to compliment him as an able officer, on the experience we had of the war in India? Why was the House asked to praise, where they had experienced only disappointment? This was surely provoking a discussion in a manner equally unfair to the character of the noble lord, and indecent on the part of his majesty's ministers. After a series of nothing but calamities and misfortunes, after a series of attempts and failures, hopes and disappointments, they were called upon to vote that the war had been ably conducted. In all those occurrences he saw nothing like ability, nothing which could afford him ground of approbation. Forced into such a situation, and such a dilemma, what was he to do? Was he to sit silent, or to consent to tell that to the king which he did not believe? Or was he to deliver his sentiments, and risk the danger of being deemed uncandid and illiberal? Never had he felt such an abrogation of the freedom of debate as that then insisted on. Was he to carry up falsehood to his sovereign, to whom, as one of the most sacred duties of a subject, he owed truth? Was he to carry up flattery and adulation to the throne, and to applaud the conduct of Lord Cornwallis, when he saw no reason to applaud it, and when, perhaps, in the point of view in which it appeared there was more reason to consider it as an object of censure? Was this

fit conduct to hold out for that House? Most unquestionably, No! And yet this must be the case, if he was to be told he behaved with harshness against a brave officer, when he was only doing what appeared to him, at least, to be his duty as a member of that House, namely, to speak the truth without disguise on all occasions, and more especially when the interest of the people required that no disguise should be used. There was an end entirely of the utility of that House, if its members, when they were delivering their opinions on the characters of the commanders of our forces, were to be stopped, and told that they were attacking the character of a man who was not here to answer for himself, and that we ought to suspend our censure until he came home. When he was put to this dilemma, the blame ought to be on those who compelled him to deliver his sentiments by their demand of approbation, and who had obliged him to take such a part as he owed to his own conscience, and his duty to his constituents.

He owned he had entertained no sanguine hopes of the success of his honourable friend's motion; yet he was now happy to find that his arguments had been attended to, and that the papers called for were to be produced. He was, however, surprised at the difference of opinion that had taken place since the notice given by his honourable friend of the present motion, as the right honourable gentleman had certainly said on a former day that he would oppose that motion, and every one of the same kind. He must confess he was far from being pleased with this declaration. It seemed to introduce a system of which the right honourable gentleman was too fond, and looked as if he meant to haul the minister's friends through all the dirt and mud of his business, by tamely and submissively relying upon him for their directions. Was this a light in which the House of Commons of England should be placed? Were the representatives of the people to be told, "When ministers are inclined to give information to the country, you may vote for the production of papers, but when they are not, you must resist every call for them, however proper, however necessary, or however consistent with the constitutional principles of this country." This was pursuing too far that doctrine of confidence which had been so much brought forward last session, and with respect to which the right honourable gentleman had always urged, in his opinion, the most unconstitutional arguments. The right honourable gentleman had said, that it was improper at all times to call for papers or information pending a negociation, and that the result, whatever it might be, should be sanctioned by a vote before any inquiry should be

made respecting the origin, circumstances, or conduct of it; a doctrine that he would never subscribe to, because he conceived it to be fraught with every thing that was bad, and in direct contradiction to the very nature of that constitution which we were all so happy to pronounce an eulogium upon; and none could be more so than he was, when its theory was attended to, and its practice conformable to its real principles. Of those principles, the new-fangled system was more subversive than any of the wildest schemes that the wildest of modern reformers could ever have devised.

The right honourable gentleman had said, that the papers, particularly the letter from Lord Cornwallis to the Nizam, dated July 7. 1789, had been on the table three months before the last session of parliament was concluded. It might be so: for himself, he had no hesitation in declaring, at the same time that he did not offer any excuse for his negligence, his ignorance of the contents of that manuscript-paper, which, if he recollected well, was laid on the table on the very day in the last session on which the last debate on the war in India took place. The right honourable gentleman had said, it lay there for three months after, and arraigned him and his friends for their want of vigilance, by asking them why they had omitted examining that letter sooner? He would fairly tell him that he had not even read it; for it must be in the recollection of the House, that a matter of very great importance arose, to which his attention, the attention of the House, and the attention of the country was naturally drawn. He scarcely needed to mention here the armament against Russia, a subject that excited the curiosity and the astonishment of all Europe. So much had it occupied his mind, and so much was he convinced that his duty to his constituents and to the people of England, called for every effort he could exert, to ward off the impending danger, that he was prevented from turning his thoughts to any other subject. He would do his friends the justice to say that he believed them equally inclined to do their duty, and he was proud to add, what he thought he might do without the imputation of vanity, that his exertions had not been altogether useless, and though, placed in a minority, that minority was found to have acted in conformity with the wishes, and, what was of much more consequence, the real interests of the country.

He would allow, that the right honourable gentleman had been extremely consistent in one point; which, of all others, he conceived to be the most dangerous and inimical to the British constitution; that was the proposition which he had often laid down respecting the confidence to be granted to ministers, and the assertion that pending a negociation or a

war, it was improper to call for any information with regard to the progress of that negociation, or the events of that war; this he had ever treated, and ever would do, as most improper and unconstitutional language, and, he trusted, never would be the sense of an English House of Commons. What led him to speak of this more particularly, was the objection which the right honourable gentleman had made to the last of the papers moved for by his honourable friend, which went, if produced, to shew what offers had been made by Tippoo Sultan for a peace. The right honourable gentleman had said, if all the papers moved for, and all that could be moved for, were upon the table, nothing could appear that would explain to the House what the offers of Tippoo to make peace were; and that if any thing did, he certainly should oppose their being produced. Perhaps it might be so; but when the right honourable gentleman stated that he was totally ignorant of these offers, and knew no more of them than other people, he could not help thinking it one of the most astonishing facts that ever had occurred; that Lord Cornwallis, as governor-general of India, had been, on all occasions, writing home, that a protracted war was ruinous to the company's finances; that a speedy and honourable peace was his earnest wish; and that though several offers to make peace had been made by Tippoo, none of them were of a nature that he could accept; yet that he never had mentioned what those terms offered were, or what were his reasons for not accepting them. If the government at home had received any information of the terms that had been offered, he thought it was their duty to send out orders to conclude peace as soon as possible, and while it might be done honourably, at least; more than could be expected, if we were unfortunate enough to experience a continuance of the same calamitous events. Upon the right honourable gentleman's principle of unlimited confidence, which had been so much argued last year, it was impossible to foretel what ill consequences might ensue, particularly if no right was allowed to that House to enquire into the conduct and expence of a negociation or war until it was ended. What, he would ask, was become of the boasted freedom and privileges of that House, to inquire into every measure that could bring expence upon the country, which they, as representatives of the people, must provide for, by laying additional burdens upon their constituents, without having it in their power to give an assent from conviction, that there was expediency, justice, or policy in the measure which occasioned that expence? What was now the language held out by this claim for confidence in ministers, but that they have entered into a war which must be attended

with heavy expence, but with regard to the nature or extent of which, they would resist all inquiry, and till it should be concluded no means of information would be afforded. He had only to recal the attention of gentlemen for a moment to what happened last year, with regard to the Russian business, to shew how decidedly this was the object of the present administration. The right honourable gentleman had properly said, that a day would soon come for discussing that business, and it was not his intention to enter into it at large now; to-morrow they were to be called upon to vote the expence of the armament, and must agree to pay that expence before they had received any information of the propriety or wisdom of the negociation which occasioned it. He said, it was not his intention to refuse voting the expence to-morrow; indeed, he knew it to be impossible: because, however much he and the country might disapprove of the measure, still it was obvious, that the expence incurred must be paid.

Upon this principle of first paying, and then inquiring into the cause of the expence, the right honourable gentleman had gone by far too great lengths, and such as the House ought to beware of sanctioning. If they did not, million after million might be expended, and till the country was ruined, no satisfaction would be given, except that confidence must be placed in ministers. It was here we saw the system of those who boasted so much and so lately, of their attachment to the constitution of their country, and to the principles of liberty; but whose practice was at variance with their profession. In vain did we boast of our attachment to the principles of a well regulated freedom. We were perpetually praising our constitution in words, and daily introducing new abuses into it in practice. And thus might we go on boasting that we were the most free until we had entirely lost our freedom, and that by this innovation lately introduced into the constitution — the innovation of confidence! This confidence in individuals, in the mind of that House, was to precede the interests of the people. The ministers by this might move and carry armament on armament, upon the most trivial occasions, on the slightest reasons, or entirely without reason, and the people had no means whatever of preventing it; nay, the members of that House were precluded from judging of the measures at all, until they were called on to vote the money of their constituents to pay for them. And supposing, for the sake of argument, (he was not now stating it to be the fact,) that these measures should turn out to be ill advised, unnecessary, or even ruinous to this country, what mode had the people of obtaining redress? None, except that of a criminal pro-

ceeding against the ministers who were the cause of it. The only security the people had was the responsibility of the ministers. Was that a sufficient security? He answered, it was not! In short, it was not any security in most cases: for, supposing the minister who may have been the cause of great calamities to the state, was incorrupt, but that in the opinion of the people his measures had been only unwise; or, supposing the measures to be wise, and against the opinion of the people, what remedy could there be had in either of these cases? In the first, the people would be too generous to punish, because it was against the principles of humanity, as well as the law of every good community, to punish a man merely for want of wisdom. On the second case, what would be the consequence? An innocent and meritorious man would suffer for his own virtue, merely from the misfortune of his conduct happening to be misunderstood by the public; and he would be left to say to his misguided countrymen, "What! will you accuse me for acting as well as I could for your interests?" What, then; were we to punish such a man? No, God forbid! Then, as to the other man who might be incapable, what was to be done with him? Had we that court of criminal justice, by which we could try a minister on the size of his capacity? We had no such court. But supposing, for the sake of argument, we had a court in which all these points could be provided for, what satisfaction could result to a country drained of its wealth and resources? What retribution would the disgrace or the destruction of a minister make to a country that had been ruined and undone? The punishment of a minister! a poor, paltry resentment, instead of a retribution! Thus stood the political state of a country said to possess perfect liberty, — a country, where, it was said, the opinion of the people was the highest authority, and their will the law! The opinion of the people, indeed, might at last prevail; but according to this doctrine of confidence in ministers, this innovation in the constitution, the opinion of the people would not begin to operate until the country was ruined. Ruined we might be, although the people were not ignorant, nor their representatives corrupt, but merely, because the minister might blunder and mistake. If such a country could be called a country of liberty and perfect freedom, he did not know what liberty or freedom was, nor wherein consisted the excellence of its constitution.

He hoped, however, that from what he had said, he should not be considered or represented as speaking against the constitution of this country. If he should, it would be treating him most unjustly; for he spoke not against the constitution of this country, but against the theory and the practice which the late

doctrine of confidence had introduced. They were against both the theory and practice of the real constitution of this country,—against the earliest impressions in favour of that constitution made on him by his education. He had been taught to think, that all the evils, of which he had that night been complaining, were to be prevented by the timely interposition of that House with its advice, when a minister was pursuing a plan that might be destructive to his country. These were the impressions of his infancy, and time had not effaced them. He must say, that he hated the innovation of confidence, of which he had been speaking. There was nothing of the spirit of the people of this country in it. They might as well say to the minister, "To you we give all the trust that was once delegated to our representatives; to you we give all the disposition of our property; to you we give the whole care of all our interests, without control or inquiry."

The right honourable gentleman had declared that he knew nothing of the proposals of peace which had been made by Tippoo, or the reason why they were refused. And, because he was totally ignorant of the nature of these proposals, and whether they were such as might have been accepted consistently with honour, justice, and political expediency, were the House, therefore, to be precluded from all inquiry respecting them? Because a minister had neglected to provide himself with the means of information, were they to sanction that neglect, or abandon those discussions, which they owed to their own duty, and the interests of their constituents? In order to conduct any inquiries concerning the war, or be able at all to judge of the footing upon which it at present stood, it was of the utmost, nay, of indispensable importance, to be acquainted with the nature of these offers of peace. In consequence of these, the war might now stand upon very different grounds from those upon which it had set out; and what had been in its commencement allowed to be just and necessary, might have ceased to be so in its continuance. From the circumstances of disadvantage, too, under which the war had hitherto been carried on, on our part, attention to the offers of peace became a still more material consideration. For who would defend the propriety of persevering in a war under such circumstances, if it could be concluded upon terms at all just and reasonable? In short, while we were kept ignorant of these terms, it was impossible to determine whether the war, as it now stood, was a war of justice and policy, or a war carried on merely from motives of ambition, and pregnant with ruinous consequences.

The retreat of our armies in India was a proof of the complete failure of the object which Lord Cornwallis had in view.

The retreat of General Abercrombie was attended with every aggravating circumstance of loss and ignominy: it had been too gently stiled a retreat, but was in reality a downright flight, in which our baggage, artillery, and what was most deplorable of all, the hospitals of our sick and wounded, were left behind. He did not mean to lay any blame on Lord Cornwallis or General Abercromie; he was not, indeed, sufficiently acquainted with circumstances, to decide in what quarter censure was due. But the fact must be admitted, that General Abercrombie had been compelled to make a retreat, in such circumstances as were disgraceful to the British arms. What these circumstances were, or where that blame was to be attached, ought surely to form the subject of discussion, before they could, with propriety, be called upon to deliver any opinion.

As to the expence of the business now before the House, that would be a matter of consideration on some future day; but on that point he could not say that the explanation of the right honourable gentleman gave him much satisfaction. If it gave the people of this country satisfaction, he should be very much surprised. Whatever pleasure he might feel from a repetition of the declaration, "that the day was drawing near, when we should find that it was more likely that the finances of India would be such as to afford assistance to this country, rather than that this country should be called on to lend assistance to our territories in India," was, he confessed, much abated by the right honourable gentleman, assuring them, at the same time, that he knew nothing about the matter. He asserted, that it was impossible for him to calculate the whole expence with which the present war in India would be attended; and was even surprised that any body should conceive he could, or should think of starting such an inquiry. But if he could not calculate the expence, how could he pretend to estimate the advantage which this country was likely to reap from the finances of India? He must own, that this sort of general assertion, unaccompanied by all particular proof, appeared to him by no means convincing, nor at all tended to set his mind at ease on the subject. The right honourable gentleman assured them, that the result would be highly prosperous; but it was stated that there were some foolish trifling expences, which might interfere with this result; and when he was asked, what might be their probable amount, he answered that he could not so much as guess; nay, was astonished that any body should suppose he could! Setting these expences aside, therefore, they might be assured the result would be prosperous; but he wondered to what could amount the value of such an assurance. The conclusion might be highly gratifying, if they excluded from the premises the only material

consideration upon which it hinged. These were artifices too palpable to deceive children. He hoped that a consideration of these points would induce that House to take away some of that confidence which, by their duty to their constituents, they never ought to give, and which they were now bound to recal.

Mr. Fox concluded with declaring, that, previous to the meeting of parliament, he had determined in his own mind to say nothing in any debate on the subject, respecting the conduct of Lord Cornwallis; and he would never have departed from that resolution, had he not been called upon and provoked to deliver his opinion by the words of the speech, and the arguments of those who moved and seconded the address; had he not been called upon to applaud abilities, of which their conduct afforded him no proofs, and to congratulate success, which the state of our affairs in India by no means seemed to warrant, from any information which had yet been laid before that House.

The question was put and carried on each of the motions, except the last, which was negatived without a division.

State of the Public Income and Expenditure.

February 17.

THE House having resolved itself into a committee of the whole House, of which the Earl of Mornington was chairman, to consider of so much of his majesty's speech, at the opening of the session, as relates to the public income and expenditure, the following paragraphs from the speech were read: "It will, I am persuaded, give you great satisfaction to learn, that the extraordinary expences incurred in the course of the last year have, in a great measure, been already defrayed by the grants of the session. The state of our resources will, I trust, be found more than sufficient to provide for the remaining part of these expences, as well as for the current service of the year, the estimates for which I have directed to be laid before you.—I entertain the pleasing hope, that the reductions which may be found practicable in the establishments, and the continued increase in the revenue, will enable you, after making due provision for the several branches of the public service, to enter upon a system of gradually relieving my subjects from some part of the existing taxes; at the same time giving additional efficacy to the plan for reduction of the national debt, on the success of which our future ease and security essentially depend.—With a view to this important object, let me also recommend it to you to turn your attention to the consideration of such measures as the state of the funds and

of public credit may render practicable and expedient, towards a reduction in the rate of interest of any of the annuities which are now redeemable." Mr. Pitt then rose, and in a most eloquent speech, represented the state of the finances of the country in so favourable a light, that a diminution of the public burthens might reasonably be expected. The amount of the permanent revenue, with the land and malt duties annexed, from January 1791 to January 1792, he estimated at 16,730,000*l.* being 500,000*l.* more than the average of the preceding four years. The permanent expenditure, including the interest of the debt, the annual million applied towards its extinction, the civil list, and the military and naval establishments, he calculated at 15,810,000*l.* leaving a clear surplus of more than 900,000*l.* In this state of things he thought himself authorized to propose the repeal of a part of the more burdensome taxes, to the amount of about 200,000*l.* per annum; and at the same time to apply the sum of 400,000*l.* to the reduction of the national debt, in aid of the annual million appropriated by parliament. This would still fall far short of his estimate of the national ability, and there was good ground to believe that we had not reached by many degrees the summit of our prosperity. When the debentures to the American loyalists should be discharged, which would happen in about four years, an addition of near 300,000*l.* would accrue to the revenue. In consequence of the general improvement of credit, the 3 per cents. would soon rise so high as to enable the parliament to effect a reduction of the 4, and, as soon as by law redeemable, of the 5 per cents. which would add the sum of 700,000*l.* or little less to the sinking fund. The indefinite additions which might be expected from the increasing produce of the existing taxes, the result of our rapidly increasing commerce, must mock all calculation. Our exports had risen one-third in value since the year 1783, viz. from 14,741,000*l.* to 20,120,000*l.* and our internal trade had increased in at least an equal proportion. Thus should we be enabled to make a swiftly accelerated progress in the essential work of liquidating the national debt, and in a very short space of time to reach a point which perhaps not long since was thought too distant for calculation. On the continuance of our present prosperity it was indeed impossible to count with certainty; but unquestionably there never was a time when, from the situation of Europe, we might more reasonably expect a durable peace than at the present moment. Mr. Pitt concluded with these words: "From the result of the whole, I trust I am entitled to assert, that the scene which we are now contemplating is not the transient effect of accident, not the short-lived prosperity of a day, but the genuine and natural result of regular and permanent causes. The season of our severe trial is at an end, and we are at length relieved, not only from the dejection and gloom which, a few years since, hung over the country, but from the doubt and uncertainty which, even for a considerable time after our prospect had begun to brighten, still mingled with the hopes and expectations of the public. We may yet, indeed, be subject to those fluctuations which often happen in the affairs of a great nation, and which it is impossible to cal-

culate or foresee; but as far as there can be any reliance on human speculations, we have the best ground, from the experience of the past, to look with satisfaction to the present, and with confidence to the future. "*Nunc demum redit animus, cum non spem modo ac votum securitas publica, sed ipsius voti fiduciam et robur assumpserit.*" This is a state not of hope only, but of attainment; not barely the encouraging prospect of future advantage, but the solid and immediate benefit of present and actual possession."—After some strictures on Mr. Pitt's speech by Mr. Sheridan,

Mr. Fox, after a short allusion to the triumph of this jubilee of finance, and stating that the business of the day was of the utmost importance, took occasion to pay a compliment to the eloquence of Mr. Pitt, and to the philosophical principles of government on which he had argued. He said the right honourable gentleman had enumerated the causes of national prosperity with truth and splendor. He subscribed to his statement cordially, and if he did not himself go over the same ground, it was because he had nothing to add to what had been already said, nor could he hope to express it better. But he begged to be understood, that these reasons were all applicable to the prosperity of the country, not merely to the prosperity of the revenue. The right honourable gentleman had fairly said, that above all, they were to be ascribed to the happy form of our constitution. If this was true—and that it was so, every gentleman would concur—it was their duty to maintain the constitution by that vigilance and jealousy which were the chief duties of that House, and to take care that no attempts should be made under any colour or pretext to trench on any of its vital parts; and so far from thinking with the honourable gentleman who had spoken last (Mr. Drake), that we could not value our present situation too highly, he thought we were in danger from being lulled into an excess of security. He was drawn to this observation, naturally from the business of this day; for he was still of the opinion that he had delivered on the first day of the session, namely, that there was in the manner of introducing this proposition such a violation of a most valuable principle, and such an insult on the House of Commons, as demanded their most serious reflection. It had been too often his duty to remark the variety of abuses which had been suffered during the administration of the right honourable gentleman, and which, indeed, had marked his ministry more, perhaps, than any other that had ever occurred in this country. There seemed to be a regular and systematic intention in his majesty's ministers to annihilate the functions of that House, and to arrogate to government every measure that properly belonged to them. The nation was made to look lightly on the popular

branch of the legislature, and in every instance to turn their eyes to government, as to the fountain of every good. In this view he had stated the recommendation in his majesty's speech from the throne, in regard to the repeal of taxes, as an attempt to take from that House, in truth, the power of deliberation, the freedom of debate. Instead of coming unfettered to the consideration of the present state of the public income and expenditure, so far as to enable them to form a free judgment whether, consistently with their honest duty to the empire, they might relieve their constituents from some part of their burdens, they were put into the unseemly state of either complying implicitly with his majesty's recommendation, or of being considered by their constituents as the opposers of the boon which he had held out to them. I complain (said Mr. Fox) for the constitution, violated by this proceeding—I complain for the popular branch of the legislature insulted—I complain for the people, really and effectually cheated by this insidious intervention, calculated to divert them from their true guardian and servant, the House of Commons, and to delude them, by fixing their hopes on the government. I am not afraid of unpopularity in the honest discharge of my duty. I am not afraid of encountering all the hazards of artful misrepresentation; but I complain that I am put into a situation where I cannot exercise my judgment, where I cannot pronounce my opinion that this is not the moment when parliament can safely, prudently, or honestly surrender any part of the existing revenue, and where I cannot oppose the measure without the fear of bringing on the country a greater and more alarming evil, than by complying against my judgment.

Not only had his majesty been unconstitutionally advised to come down and recommend this measure, contrary to the first principles of parliament, but, to add to the impropriety, the minister coming immediately from the closet, had pointed out as a second part of the same speech, the very taxes which ought to be repealed; thus taking it out of the hands of parliament to revise the whole, and see which of them, if any, could be repealed, which were most grievous to the public, and thereby conciliating themselves with their constituents by proving that they were attentive to their interests. Instead of coming forward handsomely and fairly as he ought to have done, and stating the income on the one side, and the expenditure on the other, and calling on the House to take the condition of the public revenue into their consideration, and see if they could not spare something to the people, the right honourable gentleman came down with a declared surplus, for which he had no experience, in one hand, and a number of

odious and unpopular taxes mostly of his own imposing, in the other, and thereby made it impossible for the House to hesitate in their compliance. Can I (exclaimed Mr. Fox) object to the repeal of the malt tax—I, who opposed it so pointedly, when imposed by the right honourable gentleman last year? Can I object to the repeal of the tax on female servants, a tax which I always thought odious and abominable? I cannot—the House cannot, and with their eyes open to the impropriety of the measure of giving up revenue without an experience that we can afford it, we are brought to a situation in which we cannot deliberate on the measure.

The question, to have been stated fairly, should have been as follows: there is a surplus of 400,000*l.* Will you apply it all towards the extinction of the national debt, or towards the immediate relief of the burdens of the people, or partly to the one and partly to the other? Stated in this manner, the House would have come fairly to the exercise of their deliberative powers; and he had no hesitation in saying, that if the question had been so stated to him, he would have answered, in the present situation of things, acting on a consistent principle, and desirous of having the benefit of experience, that the whole ought to be applied towards the diminution of the national debt. In saying this, he would at least have the credit of a sincere opinion; for evidently he courted no party on the occasion. He could not court the king, for the king had in his speech recommended the measure. It was not a declaration by which he could expect to court the people, for evidently the repeal of a temporary burden, however it might operate in throwing disorder into the finances of the kingdom, disturbing the credit, and finally of imposing more grievous burdens, would yet be popular, and an objection to it the contrary. But if he had to answer that question simply, he would do it, and maintain it on arguments provided for him by the right honourable gentleman. He would use his own words. He would take his own system. He would prove that his own principles were clearly against the measure which he now proposed. He would shew, even from what the right honourable gentleman had said that night, that when self was out of the question, he was still of opinion that the measure now proposed was erroneous and detrimental. For, said the right honourable gentleman, in the year 1808, when by the operation of the plan for diminishing the debt, there would be a sum of four millions applicable to this object, he would take care that no minister of that day should have it in his power to do, what he was doing in this, with only four hundred thousand pounds, instead of four millions. Here, when he was impartial, and when he was not acting for himself and his faction,

he was such an enemy to the national debt, that no room should be left for popularity to any minister, by doing so fatal a thing to the nation, as that which he was now doing himself. Such was the difference between self and principle, such was the difference between the clear, manly discharge of duty, and the subterfuges of a dextrous pursuit of popularity! He had often heard it said, that it was the character of men who were indulgent to themselves to be severe to others. Never did he see this trait of the human mind more glaringly displayed than in this measure. For, after having laid down a principle to be most obstinately persevered in, viz. that the surplus of the revenue should be with a sacred and inviolable hand applied to the discharge of the debt, with all its compound interest, until it should amount to an applicable surplus of four millions, he now departed from this engagement for the sake of a little momentary popularity to himself, and held out to the nation a boon of 200,000*l.* "But," said the right honourable gentleman, "I know I do wrong; I know it is a dereliction of my principles, but permit me to do this little mischief, and I will compensate for the laxity of my own system, by tying down my successors." Fifteen years hence, a period to which it was impossible to carry forward the idea of parties and partialities, the right honourable gentleman would take care that even when there were four millions the system should not be thus violated!

Mr. Fox said, he thought it would have been at least prudent to have waited until we had had the experience of a single year, a single month, or a single day, in which the income of the country had exceeded the expenditure, to justify us in saying that there was an applicable surplus at all. Nothing could be more indefensible than the intemperate rashness of the proceeding. He went completely upon speculation. What speculation of expenditure had not turned out to be fallacious? Every statement of the right honourable gentleman, with regard to reduction and economy, remained to be fulfilled. The committee of last year, composed of very honourable men, had given a statement of what was likely to be the peace-establishment. It might, perhaps, be found exact; but let it be remembered, that the statement of the committee of 1786, a committee equally honourable, had fallen short by 500,000*l.* of the actual expenditure, and the subsequent statement might be liable to the same deficiency. It would have been well, at least, to have taken the benefit of one single year's peace-establishment. What could be the reason of this intemperate hurry? He had no hesitation in agreeing with his honourable friend, (Mr. Sheridan,) that it was the Russian armament which pressed upon him,

and which had produced this hasty, ill timed, and, as it had been conducted, unconstitutional sacrifice to popularity. He said unconstitutional, for every thing that crippled the proceedings of parliament, every thing that placed the crown between the House of Commons and their constituents, was unconstitutional and alarming. If the question had come fairly before them, he should have given it his negative; now, however, he could not do this, since a greater evil might be incurred from the danger of a division between that House and the people, — a division which the unparliamentary and improper recommendation from the throne might occasion. Pressed on the subject of the Russian war, sensible that his head-strong interference in a dispute had involved him in a dilemma, from which the result could afford him no argument of defence, the right honourable gentleman had thrown out this boon to the public, to divert them from the contemplation of his conduct. He did not mean to accuse him of being so poor a logician, as to set this up as the *ratio justifica*, but he was well aware, that, tempting and agreeable, it would serve as the *ratio suasoria*.

Having thus objected to the principle, he said he equally objected to the manner in which this was done. What rule was to be established in future? In case of future surplusses, were they always to act by this precedent, or what rule was there to be established? Opposition at present could not be said to be engaged in a struggle for power, the other party were too decidedly superior in numbers, and too much in possession of the confidence of the country to admit of such an idea on their part. But though in the present state of the parties of this country perhaps no immediate use might be made of this manœuvre — for it could only be regarded as a sinister manœuvre — yet if there should be in that House again a struggle for power, if the parties were more nearly on a par than at present, what miserable use might not be made of this precedent! One side, in case of a surplus, might be for giving half to the people in taxes, another for giving the whole, and there might be instituted between the two an auction for power, in which the highest bidder would attempt to purchase the favour of the country at the expence of its interests. The whole manifested a most blameable care for the moment, a subterfuge against charges to which the right honourable gentleman knew he was liable, and for which he felt that he had no justification. The Russian armament stared him in the face; he knew that the nation were of one mind on the subject of his disastrous impolicy, and that his Indian system was equally pregnant with danger and disgrace. On the subject of India there was nothing more alarming than

the difference which appeared in the two ministers on the subject. The one affirmed to the House that there would be assistance derived from that quarter, the other coupled the assertion with, "*if* the war was speedily terminated."

In regard to the reduction of the four per cents; he was clearly of opinion that it was a most politic and proper measure. From the calculation that he had made on the subject, the nation might draw an annual benefit of between 260 and 270,000*l.* from this branch, and he wished the right honourable gentleman had stated what was his plan for the measure. A well-conceived plan for the measure should have his support. The rise of the funds, in his mind, was a great national benefit; for though it threw obstacles in the way of paying off the debt, it invigorated every branch of our prosperity. In proportion as the funds were high, money for every object of commercial enterprize, of manufacture, of agricultural improvement, of trade and industry of all kinds, became more easily attainable. It added, therefore, to the capital of the nation, it enlarged the sphere of activity, and produced the wealth which more than counterbalanced the difference which we had to pay in buying up the debts. If we considered the amount of our debt as a capital, the capital was certainly encreased by the rise of the funds. The capital of our debt was clearly more now than in the year 1786, but the annuity was less, and to the annuity he always looked as to the true debt which was our enemy. What, then, ought to be the conduct of the nation on these premises? If it was true, that the rise of the funds imposed on the nation the hardship of paying a greater sum for redeeming the same quantity of annuity; but that at the same time the rise of the funds so largely promoted the general opulence of the nation as to make it more easy for us to redeem such annuity, the conclusion of the proposition clearly was, that the moment of wealth was the moment of redemption. But what did we do? Instead of taking the true benefit of the opulence which the high price of the funds has given us, by opposing more vigorously our great enemy the national debt, we slackened while this enemy went on; for he reared his head, and if we did not, in the moment of prosperity, encrease our efforts against him he gained ground upon us. To be uniform in the combat, therefore, it was necessary that we should add as much to the sum applied to the diminution of the debt, as the proportion between the prosperous and the adverse moment. Surely, in a day of prosperity, it was easier for the nation to buy up an annuity of 42,000*l.* than in the day of adversity; yet we were to follow the exact contrary system by this new plan, and

therefore he asserted that the minister was courting popularity by the dereliction of principle.

It was the fashion of the day to praise the constitution, and to labour to destroy it. They were for ever pouring forth encomiums on it in the lump, and mangling it in detail. Every stratagem was used to make the functions of that House ungracious to the people, to make them out of favour with their representatives, to make it impossible for men to act faithfully in the discharge of their trust to the empire without having odium excited against them. Confidence in the crown was set up in the stead of confidence in the House of Commons; and the entrenchments on the constitution were carried on by appeals to the passions of the inconsiderate. For himself, he had so often occasion to notice this settled plan in the administration of the present day, and with so little success, that he despaired of producing any effect on the temper of the House. But having frequently showed himself unawed by the influence of power, he trusted he should be able on the present occasion to maintain an equal superiority, and testify himself no less unmoved by popular prejudice and clamour: and, though it would be presumptuous in any man to apply to his practice, yet he would take upon himself to apply to his sense of his duty the celebrated passage,

> "Justum et tenacem propositi virum
> Non civium ardor prava jubentium,
> Non vultus instantis tyranni
> Mente quatit solidâ."

In reply to what had fallen from Mr. Fox, Mr. Pitt said he would ask, where was the difference, with regard to who might be minister, between this scheme and that of the committee in 1786, but about one year and a half? But in the period of fifteen years, taking in all the vicissitudes and changes that might happen, he did not know whether he might not be as well disposed to the minister of that day, and have as good a chance of being his friend, as the right honourable gentleman. It had happened that several gentlemen, who sat on the same side with the right honourable gentleman, had before now been out of their reckoning as to the changes of administration, and it might so happen again.

Mr. Fox said, that except he was wilfully misrepresented, he could not account for the manner in which the right honourable gentleman had argued. When he spoke before, he never meant to enter into any speculation with regard to who would or would not be minister fifteen years hence. No such ridiculous idea had ever entered his mind, and he begged the right honourable gentleman and the House to recollect, that

when he had put that part of his argument, he had stated it as asking a question of the right honourable gentleman, upon which he knew he must be impartial, and which had no reference or regard to the person who might be minister. He, perhaps, in the right honourable gentleman's opinion, was not a man of great wisdom, but he trusted he was not so foolish as to indulge in any such speculation as the right honourable gentleman had hinted at. As matters at present were, he could have no hopes of success, so unequal were the numbers; nor could he think that because he was some years older than the right honourable gentleman, that was any reason for his speculation upon being his successor fifteen years hence. The right honourable gentleman had boasted, in high language, of the unexpected increase of the revenue. He allowed all the causes stated by the right honourable gentleman; but he certainly would not allow that the increase was either unexpected or unforeseen, whatever pains might be taken to spread abroad such an opinion, for the purpose of momentary popularity, which seemed to be the chief study of the present day. The minister took every method to persuade the country that he was not only the person who could pay off the national debt, but the sole inventor of a plan for the reduction of that debt; that it never had been thought of till he came into power to put it into practice; and that it originated entirely with him. It required, however, nothing from him to put that matter out of doubt, because the right honourable gentleman, and many in the House, must know the contrary.

The resolutions moved by Mr. Pitt, for the repeal of sundry taxes, were agreed to by the committee.

MR. GREY'S MOTION FOR PAPERS RELATIVE TO THE WAR BETWEEN RUSSIA AND THE PORTE.

February 20.

THE documents relating to the apprehended rupture between Great Britain and Russia having been laid before the House on the 6th of February, Mr. Grey on the 13th observed that the papers were incomplete, and did not sufficiently enable the House to examine particulars with precision. He stated several instances to prove what he had advanced: he specified the want of the preliminaries between the Russian and Turkish ministry, without which no adequate opinion could be formed of the benefits arising from

the interference of the British court, supported by an armament, and accompanied by an apparent determination to enforce the measures it held forth. These had nearly involved the realm in a quarrel of a most serious and dangerous nature, without any manifest and unavoidable necessity. The conduct of the court of Berlin ought no less to be laid open on so important an occasion: but, above all, the expences attending the formidable armament that had been equipped, ought to be brought before the House with all expedition.—Mr. Pitt replied, that every proper paper had been produced. The expence of the armament he was no less desirous to lay before the House, than those who were the most impatient to see them, and would bring them forward with all diligence. The preliminaries between the belligerent powers had not been officially noticed; but he hoped shortly to present the House with a more satisfactory document, the definitive treaty of peace between those two powers.—This answer not appearing satisfactory, on the 20th of the same month Mr. Grey moved, "That an humble address be presented to his majesty, that he will be graciously pleased to give directions, that there be laid before this House, copies or extracts of all representations or requisitions made by the court of Berlin to his majesty's minister at the said court, or by his Prussian majesty's minister at this court to his majesty's secretary of state for the foreign department, or other ministers at home, relative to the war between Russia and the Porte, together with the answers that were given to such representations or requisitions; and also, copies or extracts of all representations made by his majesty's secretary of state for the foreign department, or other ministers at home, to his Prussian majesty's minister here, or by his majesty's minister at the court of Berlin, together with the answers to such representations, upon the subject of the said war." Mr. Grey said he trusted that the period had at last arrived for a discussion suitable to the importance of the subject and the dignity of that House, in which they should be able to shew themselves faithful stewards of the public, whose money they had voted away, and influenced by no motives but a regard to their own duty and the interests of their constituents. He hoped, that the House would never be so blindly attached to a system of confidence in administration, or so remiss in the discharge of its first and most sacred avocation, as to neglect all inquiry. In this hope he trusted he was not deceived, and was still sanguine in spite of that opposition, which had already been but too successfully exerted against all attempts to bring forward the means of discussion. The House, he said, had heard of the excellence of the British constitution, in the speech from the throne, and they had heard it described by the right honourable gentleman (the chancellor of the exchequer), in a strain of admirable eloquence, that animated and warmed the heart of every member present. What was the subject of his panegyric, ought with them to be matter of practice. Let the right honourable gentleman praise the constitution: let them defend it:

"We too are friends to loyalty. We love
The king who loves the law, respects its bounds,

And lives content within them. Him we serve
Freely and with delight, who leaves us free.
But recollecting still that he is man,
We trust him not too far. King tho' he be,
And king in England too, he may be weak
And vain enough to be ambitious still,
May exercise amiss his proper pow'rs,
Or covet more than freemen chuse to grant;
Beyond that mark is treason. He is ours,
T' administer, to guard, to adorn the state,
But not to warp or change it. We are his,
To serve him nobly in the common cause,
True to the death, but not to be his slaves."

Should the most valuable functions and privileges of that House be suffered to fall into disuse, the loss would soon be felt by the public. They might be regularly honoured by what Lord Chatham had once termed "the annual opiate of a speech from the throne;" but though at present, considered as a question of feeling, there might appear to be little danger to the constitution, there were those who looked beyond the price of the funds for the prosperity of their country. There were those who, notwithstanding they were told that the constitution would last "till time should be no more," saw, in the extent to which the new-fangled doctrine of confidence was carried, symptoms of decay, no less alarming than a fall of stocks or a decline of credit, and with regret perceived that they were daily bestowing praises on a constitution into which they were daily introducing abuses. If they suffered ministers to spend the money of their constituents in useless and expensive armaments, without due inquiry, they need not boast of the excellence of the constitution, or the privileges and functions of that House, for little would be left of the character or importance of either. — The motion was supported by Mr. Windham, Lord North, Mr. Thompson, and Mr. Fox; and opposed by Mr. Minchin, Mr. Pitt, Mr. Ryder, and Mr. Dundas. Mr. Pitt said, that however candour and openness were requisite between ministers and parliament, the rule being general, admitted of exceptions in particular cases, wherein the honour and the very safety of the state might be concerned. Where other powers were implicated, secrecy became an absolute duty: otherwise negociations could not proceed; as by laying open their reciprocal affairs and intentions, these might by such means be wholly deranged, and alliances rendered fruitless. Confidence, he said, was due to those who administered the affairs of government, until their capacity or their integrity was impeached. They had in the present case disclosed enough to make the House master of the essential parts of the business in question. The papers before it would fairly shew what were the objects of our armament, and how far we had succeeded. — Lord North said, that the late negociation had disgraced us in the eyes of all Europe, and called aloud for investigation; but that without the papers it was impossible to have a clear insight into the transaction. He contended, that it was the privilege of the House to examine and inquire, and if the papers were refused them, their most essential functions were in-

fringed. The minister had praised the constitution in a former debate with all the eloquence of a Cicero. The noble lord hoped that he would afford no reason for insinuations similar to those which were advanced against that great man, that that constitution which he praised he wished to destroy. With respect to the constitution itself, he trusted that these memorable words would never be applicable: *Laudandum, ornandum, tollendum!*

Mr. Fox said, the question had been so ably debated by those who thought on it as he did, that were he to suppose he could add to the clearness or the force of their arguments, he must be vain indeed. There were circumstances, however, that obliged him to trouble the House, although he could have been well contented to let the debate rest on the grounds on which those who preceded him had placed it. A sort of general challenge had been thrown out to all who indulged in what were termed rhapsodies on the constitution, and declamations on confidence. Now, as he had often enlarged on the dangers to which the confidence claimed by ministers exposed the constitution, he could not but feel himself challenged to support the principles for which he contended, and the arguments by which he endeavoured to maintain them. An attempt, it was said, had been made to excite an alarm on the subject of confidence, and had, in one point of view, been but too perniciously successful. He was ready to own, that he felt it his duty to sound that alarm within the House, to give it force and efficacy by every means in his power; and whenever he had an opportuntity of delivering his opinion to any number of his constitutents,—not merely those by whom he was immediately returned as a member of parliament, but the collective body of the people of Great Britain, who were, in his sense of the word, the constitutents of every member, from the moment he was elected by any part of them—to sound the alarm to them also, and to tell them that if those whom they had chosen to represent them, those to whom they had given their confidence, should transfer that confidence to the minister, they were betrayed, not represented; that where their representatives neglected to exercise that vigilance which was the most important of their functions, it was their duty to watch for themselves, to substitute for the control of parliament the control of public opinion, and to see that their money was not voted away, but on that strict examination of the necessity and the object, without which the constitution must moulder and fall to ruin. Confidence in ministers, the right honourable gentleman contended, was an acknowledged, a vital principle in the constitution. The general proposition no man would deny; but in every good, or at least in every mixed government, and he doubted whether any but a mixed govern-

ment could be a good one, the portions of confidence ought to be distributed, so much to one branch, so much to another, as the nature of their several functions required, but in no case could it be required that the whole should be given to one. His honourable friend who brought forward the motion, had very properly stated, that on the dispute with Spain, the House had first been refused an account of the precise period at which the grounds of the dispute were known, because the negociation was pending; when the negociation was no longer pending, they were again refused information, and called on to provide for the expence of an armament, because no presumption of misconduct appeared on the face of the proceedings; in the dispute with Russia, they were neither informed of the object nor the cause, pending the negociation, and now that the negociation was at an end, by a climax in confidence, they were again fordidden to ask for information, a sort of confidence which to him seemed incredible, and which to utter required an incredible degree of confidence in another sense of the word.

With respect to the challenge that had been thrown out, whether information was, or was not, to be granted pending a negociation, taken as a general question, it was absurd. It could be strictly true in neither extreme, and was proper only when particular information, or particular papers were specified. How did this apply to the several cases in the last session of parliament and the present? On the dispute with Spain, the House was informed of the nature of the offence, and the reparation demanded. They thought the cause of offence sufficient, and the reparation proper; they passed a vote of credit on these good grounds of confidence. When the armament was at an end, they desired to be informed, whether it had not been longer continued than there was occasion for, and whether the reparation obtained might not have been obtained sooner, or without any armament at all. The answer to this was, "We are so well pleased with the event, that we will not inquire into the manner of its accomplishment; we see no ground for blame on the face of it, and we will look for none." Thus the treasure of the country was lavished, and what was of much more importance than treasure, the liberties and the properties sacrificed of those men, who, on all occasions of alarm, were pressed into the public service, for reasons which the House of Commons would not inquire whether adequate or not. Such was the confidence then demanded; but blameable as it was, he disapproved still more of the confidence granted last spring, which was carried to such an unwarrantable extent, that unless done away by the well-known sense of the people on the

subject of it, the constitution must be considered as gone. If confidence was a necessary evil in the constitution, that evil was much increased, when it was laid down as the principle of the constitution, that the king was to appoint him in whom the House must confide, without any means on their part of objecting to his choice. Yet such had been the practice of the government since 1784 — very different, certainly, from what it had been at any former period since the accession of the house of Brunswick. There were still some cases in which they could not, consistently with their duty, act on confidence. That of voting the money of their constituents was one. The king, it might be said, had the right of declaring war, but the Commons had the right, as full and undoubted, of granting or withholding the means of carrying it on. The strict exercise of both these rights, where they happened to clash, was impossible; from which it followed, that there must be concession on the one side or the other. Now, it was surely more reasonable, that in such a case, the right of the king should be conceded, than that the money of the people should be taken from them without their consent, and for a purpose of which they did not approve. But this new mode of voting money on confidence, and paying for armaments without inquiry into the necessity, or the use, was an attack on the fundamental principles of the constitution, on the most important functions of the representatives of the people, whose peculiar duty it was to watch over the money of their constituents. If they were delegated for this purpose, if it was an essential part of their trust, they could have no right to rest that trust in the minister, to make him the sole judge of fit occasions and objects of expence, and to open the public purse on his simple requisition without examination, without enquiry, without any exercise of their own judgment. Such, however, had been their conduct; and where was the remedy? An expence had been incurred on a vote of credit, and they all agreed that the money must be paid, be the manner of the expence wise or foolish, useful or pernicious. This was the necessary result of that accursed confidence, which neglecting to inquire in the first instance, did not dare to do it in the second; which induced men first to betray and then to shrink from their duty; and the monstrous consequence was the expenditure of public money without the efficient controul of parliament. To illustrate this point, he would suppose not an extreme case, but one of the most moderate that could occur. Suppose a difference of opinion to arise on the justice and expediency of a war; on the war in India, were that a national war, and the propriety of supporting the Rajah of Travancore. Suppose this a case on

which honest and well-informed men might differ in opinion, the majority of the House of Commons, supported by a large majority of the people, to take one side, and the ministers the other; money must be wanted for this war, and whose opinion was to prevail? That of the majority of the House of Commons and the people at large, or that of the minister? Was there a man in the House who would say, that the opinion of the minister ought? It might indeed be said, for the sake of cavil, that the king had the undoubted right of making war; though an undoubted right, without the means of exercising it, was a solecism. But he would not enter into this question farther than to say, that the solecism would be less, in the king's yielding to the sense of the people, than in exercising his prerogative against it, without the power of doing so with effect. The answer to the question which he had put, did not admit, practically, of a moment's hesitation. The doctrine of confidence was the reverse of all this. By it the expence was first incurred, and when the object was obtained, the people might think that it was not worth obtaining, or that they would rather have paid money to prevent its being obtained. Could the House in that case refuse to pay the expence? Certainly not.

But then it was said, they might impeach the minister, and carry an address to the throne, filled with axes, halters, and gibbets. What! impeach a minister for differing from them in opinion; for differing honestly and conscientiously, too, as the case supposed? Cruel, indeed, would that majority be who should say to a minister, "we confided in you because we thought what convinced you of the propriety of an armament would convince us. You tell us for what you armed, and we are not convinced: the expence is incurred, and the people must pay; but we will hang you, because we gave you more confidence than we find you deserved." Why did not this strike men's minds more forcibly? Why, but because people generally thought that the minister could not only guess, but create the opinion of the majority. But if he persuaded them to vote on confidence in the first instance, without discussion, he might, indeed, dictate, but could not guess their opinion, and that might happen which had just been stated. In the case now before the House, the opinion of the minister was directly opposite to that of the whole body of the people. The House voted money in support of his opinion, and it was spent. Supposing him to be asked by his constituents why it was gone, he might say he had done all in his power to prevent it, but in vain. His constituents would answer, "You were over-ruled by the majority who inquired into the cause, and thought it a fit object of expence." What must

he answer to this? What must the majority answer for themselves? That they had refused to inquire, that they had voted the money without inquiry, and that being spent, whether well or ill applied, the people must bear the loss.

Having said so much on the general principle, he came now to the production of the papers moved for. They who called for them saw much to blame in those already produced, and were desirous of seeing the rest, which might furnish either matter of aggravation or excuse. They who opposed the production said, they would not look into the papers, not for the reason assigned by the honourable gentleman who spoke immediately before him, because he was convinced they could afford no extenuation of the misconduct of ministers, but because they were determined to see nothing to blame. The minister himself said, that if they called for these papers, they must call for those of a more private nature, which it would be dangerous to produce. This must arise from the nature of the defence he intended to make, and if the minister referred to such papers, the House must see them.

This, undoubtedly, would be a great evil; but if he must choose between it and that of taking millions of money from the people, and exposing thousands of men to death, without the means of judging of the necessity of such sacrifices, he would say at once, discharge all your negociators, forego all the advantages of your alliances, rather than resign your constitution. But this dilemma was not presented to him. He was not obliged to ask for papers, the disclosure of which would be dangerous. If the minister thought it necessary, the House would grant much to the rights of self-defence, and could appoint a secret committee to examine such as ought not to be submitted to an open examination. His honourable friend who moved for the papers had not said, as the right honourable gentleman had tried to misrepresent, that he wanted to search in them for ground of accusation. He had said that the papers on the table afforded matter of crimination, but that he, on the part of the public, had a right to see the whole extent of it. In this he was perfectly justifiable, for it was to be presumed, that there could be nothing secret where there was nothing wrong. Maintaining the sufficiency of our alliance with Prussia had been much insisted on last year, as if Prussia had been in danger of being prevented from rendering us the services we expected by the ascendancy of Russia; and as if we had interfered on a Prussian interest. However this might be, it had been the common rumour at Berlin, that Prussia had been drawn in for the sake of a British interest, and it was fit to know exactly what the sentiments of the court of Berlin had really been; what

offers were made through the court of Denmark; what was the opinion of Denmark on the equity of those offers; what engagements we had with the Porte, and how we had fulfilled them; whether or not we had even proposed the terms we undertook to propose.

It was also rumoured, that the Porte, far from courting, felt an objection to our interference; that had a British fleet sailed for the Black Sea, its entrance would have been opposed by those whom it came to aid; so that the first thing we should have had to do would have been to conquer our allies. Was not all this matter of strong aggravation, and what the House ought to examine the truth or falsehood of? But they were told they had full information of the object of the armament, and that the object had not been obtained, which was all they had occasion to know. If the minister was to be considered as accused, he was the most improper person to judge of the extent of his own accusation, or to select the evidence. If he was not accused, the House ought to have before them the whole of the information, on which alone they could judge whether he deserved to be accused or not. He was the more anxious in supporting these principles, because the opposition to them was grounded on that extravagant extension of confidence which tended to destroy the very vitals of the constitution. If they shrank from their duty in this point; if, instead of inquiring, in order to judge, they thought proper to confide, they might indeed have the form and semblance of the constitution, perhaps that not long, but they would have nothing of the substance. He was happy to find the language on confidence somewhat softened, which was probably to be ascribed to its late ill success. It was not the magnitude of the sum spent upon it that constituted the objection or the excuse. The principle was as bad on half a million as on ten. There were exceptions to this, as to almost every political and moral rule, but it was not the less a rule. If he were told that ministers had information of some secret but imminent danger, which was not yet ripe for explanation, he would vote money on confidence, and suspend his judgment till an explanation could be given. But if the occasion for expence were doubtful, as in the case with Russia, if he was not to exercise his judgment before he gave his vote, he knew not why he sat in that House. If they were to transfer their functions to a minister selected by the king, on the ground of his possessing their confidence, the only ground of selection under former princes of the Brunswick line, that would be bad and absurd enough; but to do this to a minister with whose appointment their confidence had nothing to do, was ten times more absurd and intolerable. But his principle rested on the constitution itself, in which nothing was written in stronger or

more legible characters than that the right of disposing of the public money, of examining and judging of the reasons for granting or withholding, was in the House of Commons, and not in the crown.

The House divided:

	Tellers.			*Tellers.*	
YEAS	Sir James Erskine Mr. Adam	120.—NOES		Mr. Steele Mr. J. Smyth	235.

So it passed in the negative.

MR. WHITBREAD'S MOTION RESPECTING THE ARMAMENT AGAINST RUSSIA.

March 1.

ON the 29th of February, Mr. Whitbread moved, "That no arrangement respecting Oczakow and its district appears to have been capable of affecting the political or commercial interests of this country, so as to justify any hostile interference on the part of Great Britain between Russia and the Porte." In the course of a long and able speech, he reprobated, in terms of indignation, the temerity of ministers, in lavishing the nation's money with such profusion, for an object wherein neither equity nor policy could justify their interference. Much had been said on their part to exasperate the nation against Russia; its unfriendly conduct towards this country during the American war, had been recalled to notice, and placed in the most odious point of view: but in the transaction alluded to, it was well known that Russia was only one among many. The late King of Prussia, the celebrated Frederick, was the original contriver of the measure so injurious to this country, that went under the name of the armed neutrality; but the enmity of that prince to Great Britain seemed now utterly forgotten. From the papers communicated by ministers, it was plain that the Turks were the aggressors in the present war between them and Russia: they demanded the restoration of the Crimea, fairly won from them by open war, and ceded to Russia by a regular treaty: they attempted, by force of arms, to recover it:—this surely was aggression. The empress on this occasion had applied to the British court for its mediation; but its demands on the Turks were found too exorbitant. This answer induced her to relax from her claims, and to make such proposals as, from their moderation, she might have a right to insist upon. It was, he said, the most self-evident of all propositions, that no arrangement affecting Oczakow could in any way affect the political or commercial interests of Great Britain. We exported nothing thither, we imported nothing from it: the ostensible cause of the dispute, therefore, could not be the real one. There was ground to believe the existence of a secret negociation, by which Prussia flattered herself with the hope of

obtaining Dantzic and Thorn as a compensation for permitting the Empress of Russia to retain possession of Oczakow. It appeared that the empress had, so early as December 1789, requested the interference of Great Britain to effect a peace, upon the terms of extending her frontier to the Niester, and erecting the provinces of Moldavia, Bessarabia, and Wallachia into an independent principality, under a christian prince. These terms were refused by the court of London, and the empress was told, that no attention would be paid to any terms not resting upon the basis of a *status quo*. At length, after blustering, threatening, and arming, came the humiliating memorial of the 29th of June 1791, which at once conceded all that we had negociated, threatened, and armed to obtain.—The motion was seconded by Colonel Macleod, and supported by Mr. Grey, Mr. St. John, Mr. Windham, Mr. Sheridan, Mr. Fox, Mr. Martin, Mr. Francis, and Mr. Powys. It was opposed in a maiden speech by Mr. Jenkinson (the present Earl of Liverpool), Mr. Stanley, Sir James Murray, Mr. Grant, Mr. Dundas, and Mr. Pitt.—Mr. Grey said, that in all debates on this subject, those who supported the armament had studiously endeavoured to lead the House from the main question, by recurring to the affair with Holland. In that transaction opposition had concurred with their support, and had not been backward in bestowing their applause, but from that period the heads of the members of administration had been turned, nay even the minister himself could not withstand the infection. He had become elated in such a manner, that he fancied he could parcel out kingdoms and conduct negociations with the same ease that he laid on taxes, or supplied the want of arguments by the division of majorities in that House. He seemed as much delighted with this idea as Don Quixote with books of chivalry, and amused himself with curvetting in this court, prancing in that, menacing here, vaunting there—in a word, out-heroding Herod.—Mr. Windham said, that those who defended the conduct of ministers, argued as if they had succeeded in their object, while the fact was directly the reverse. Their object was almost a political nothing, and that nothing they had failed to obtain. They had not even the plea of a great aim and a glorious failure. They had aimed at trifling objects, and their success was still more diminutive. It reminded one of the account of an invalid, who could swallow *nothing*, and even *that* would not stay upon his stomach! Or, to express it more classically,

> "Nil habuit Codrus, attamen infelix ille,
> Perdidit totum nil!"

When the debate had proceeded to a late hour in the night, Mr. Sheridan expressed his astonishment at the contemptuous silence of the minister, that consistency of insult, that climax of haughtiness, with which he had treated the House, and now refused to answer on the day of his trial. He had formerly told them, that when the day of discussion came, he would assign the reasons for his conduct. The day of discussion was come, and he was silent. If he thought himself sufficiently defended by those who had undertaken to plead his cause, he was much deceived; for he had

involved himself in such a labyrinth of difficulties, as had not a path that did not lead to disgrace. If he had any defence to make, it was a secret locked up in his own breast, neither communicated to his friends, nor imparted to his colleagues. Every succeeding defender confuted the defender that had gone before him.—Mr. Dundas said the honourable gentleman had, in very harsh and very unaccountable language, accused his right honourable friend for not having thought it necessary as yet to rise, and say any thing in answer to the observations that had been thrown out. He would give him a very explicit answer; if he wished that his right honourable friend should rise, the right honourable gentleman opposite (Mr. Fox) should have come forward, and have given his friend to know the full amount of the charges that lay against him, that he might have entered fairly and fully into his defence.

Mr. Fox said, there was something extraordinary in the manner in which the right honourable gentleman had so pointedly called upon him to state his sentiments. Although one member of parliament had no right whatever to impose such a task on another, yet after the right honourable gentleman had called on him in so new a manner, he had made it impossible for him not to deliver his opinion upon the subject; before he did so, however, he submitted it to the House as a matter for their consideration, whether at that extreme late hour, they would wish him to proceed, or whether it might not be generally deemed more convenient to adjourn the debate? Mr. Fox declared he was perfectly ready to go on if the House thought proper.

The debate closed by an adjournment of the question to the following day; when, after Mr. Martin and Mr. Francis had spoken in support of the motion,

Mr. Fox rose and said:—After the challenge, Sir, which was thrown out to me in the speech of a right honourable gentleman last night, I did consider it my duty to trouble you somewhat at length on this important question. But before I enter into the consideration of it, I will explain why I did not obey a call made in the beginning of the day, and repeated several times, in a manner not very consistent either with the freedom of debate, or with the order which the right honourable gentleman has himself prescribed for the discussion of this day. Why any member should think himself entitled to call on an individual in that way I know not, but why I did not yield to the call is obvious. It was said by an honourable gentleman last night to be the wish of the right honourable the chancellor of the exchequer to hear all that could be urged on the subject, before he should rise to enter into his defence. If so, it certainly would not become me to prevent

him from hearing any other gentleman who might be inclined to speak on the occasion; and as he particularly alluded to me, I thought it respectful to give way to gentlemen, that I might not interrupt the course which he has chosen for himself, as it seems he reserves himself till I have spoken. This call on me is, Sir, of a singular nature. A minister is accused of having rashly involved the country in a measure, by which we have suffered disaster and disgrace, and when a motion of censure is made, he chuses to reserve himself and speak after every one, that no means may be given to reply to his defence—to expose its fallacy if fallacious—or to detect its misrepresentations, if he shall chuse to misrepresent what may be said. If the right honourable gentleman be truly desirous of meeting the charges against him, and if he have confidence in his ability to vindicate his conduct, why not pursue the course which would be manly and open? Why not go into a committee, as was offered him by my honourable friend who made the motion, in which the forms of this House would have permitted members on each side to answer whatever was advanced by the other, and the subject would have received the most ample discussion? Instead of this honourable course, he is determined to take all advantages. He screens himself by a stratagem which no defendant in any process in this country could enjoy; since no man put upon his defence in any court of justice could so contrive as not only to prevent all reply to his defence, but all refutation of what he may assert—all explanation of what he may misrepresent.

Such, Sir, are the advantages which the right honourable gentleman is determined to seize in this moment of his trial; and to confess the truth, never did man stand so much in need of every advantage! Never was there an occasion in which a minister was exhibited to this House in circumstances so ungracious, as those under which he stands before it in the present moment! For what is our precise situation? In the course of the last session we had no fewer than four debates upon the question of the armament, in which the right honourable gentleman involved this country, without condescending to explain the object which he had in view. The minority of this House stood forth against the monstrous measure of involving the country, without unfolding the reason. The minister proudly and obstinately refused, and called on the majority to support him. We gave our opinion at large on the subject, and with effect, as it turned out, on the public mind. On that of the right honourable gentleman, however, we were not successful; for what was his conduct? He replied to us, "I hear what you say. I could answer all your charges, but I know my duty to my king too well to expose

at this moment the secrets of the state, and to lay the reasons before you of the measure on which I demand your confidence. I chuse rather to lie for a time under all the imputations which may be heaped upon me, trusting to the explanations which will come at last." Such was explicitly his language. However I might differ from the right honourable gentleman in opinion, I felt for his situation. There was in this excuse some shadow of a reason on which it might be possible to defend him, when the whole of his conduct came to be enquired into. I thought it hard to goad him, when, perhaps, he considered it as unsafe to expose what he was doing. But, when the conclusion of the negociation had loosened him from his fetters, when he had cast off the trammels that bound him, I thought, that like the horse described by Homer, (if I remembered I would quote the lines,) exulting in the fresh pastures after he had freed himself from the bridle, the right honourable gentleman would have been eager to meet us with every sort of explanation. I thought that, restrained by no delicacy, and panting only for the moment that was to restore to him the means of laying open every part of his conduct that was mysterious, of clearing up that which had been reprobated, of repelling on the heads of his adversaries those very accusations with which they had loaded him—the right honourable gentleman would have had but one wish, that of coming forward in a bold and manly manner, and endeavouring to make his cause good against us, in the face of the world. Has he done so? Has he even given us the means of inquiring fully and fairly into his conduct? No such thing. He lays before us a set of papers, sufficient, indeed, as I shall contend, to found a strong charge of misconduct against him, but evidently mutilated, garbled, and imperfect, with a view of precluding that full inquiry which his conduct demands, and which we had every reason to expect he would not have shrunk from on this day. We call for more. They are denied us. Why? "Because," say the gentlemen on the other side, "unless the papers now before you shew there is ground for accusation, and unless you agree to accuse, it is not safe or proper to grant you more." But is this a defence for the right honourable gentleman? Do these papers exculpate him? Directly the reverse. *Prima facie* they condemn him. They afford us, in the first instance, the proof of disappointment. They shew us that we have not obtained what we aimed to obtain, and they give us no justification of the right honourable gentleman for having so disappointed us.

Much ingenuity has been displayed in maintaining that there was no guilt. But how fallacious is this argument! When we called for papers during the Spanish negociation, we were

answered, "the negociation is pending, and it would be unsafe to grant them." Very well. But when it is over, and the same reasons for withholding them cannot be said to exist, we are told, "Look to the result—the nation is satisfied with what we have got, and you must lay a ground of criminality before we can admit your principle of calling for papers." Thus are we precluded from all inquiry into that business. But now the right honourable gentleman, conscious that the country feels somewhat differently, admits the ground of criminality to have been laid by producing those documents on your table, imperfect as they are. It is from his own confession, therefore, that I am to pronounce him guilty, until he proves himself not so; and it is enough for me to contend, that the papers now before us afford him, *prima facie*, no justification; but that they are, on the contrary, strong proof of his guilt, inasmuch as they evince that there has been a complete failure in the object the right honourable gentleman aimed at obtaining. Sir, the right honourable gentleman is sensible how much these circumstances render it necessary for him to take every possible advantage his situation can give him; instead, therefore, of shewing himself anxious to come forward, or thinking it his duty to explain why it was inconvenient or impolitic for him to state last year the true grounds on which he had called upon us to arm, what was the object of that armament, and why he had abandoned it, he lays a few papers on the table, and contents himself with an appeal unheard of before:—"If you have any thing to say against me, speak out, speak all—I will not say a word till you have done—let me hear you one after another—I will have all the advantage of the game—none of you shall come behind me—for as soon as you have all thrown forth what you have to say, I will make a speech, which you shall not have an opportunity to contradict, and I will throw myself on my majority, and that makes you dumb for ever." Such is the situation in which we stand, and such the course which the right honourable gentleman thinks it honourable to pursue! I cheerfully yield to him the ground he chuses to occupy, and submit to the call addressed personally to myself (although perhaps not in a manner very decorous) of stating to the House what I have to offer, before the right honourable gentleman will open his lips.

Having made these preliminary observations on the manner in which this business has been conducted, I will proceed frankly to state the reasons upon which I found the vote of censure, in which I shall this night agree. Much argument has been used on topics, not unfit, indeed, to be mixed with this question, but not necessary; topics, which undoubtedly

may be incidentally taken up, but which are not essential to the discussion. "In this class I rank what has been said upon the balance of Europe. Whether the insulated state of policy which disdained all continental connection whatever, as adopted at the beginning of the present reign — whether the system of extensive foreign connection, so eagerly insisted on by a young gentleman who spoke yesterday for the first time — or whether, as I am inclined to suspect is the true and wise course, the medium between these two, be our interest, are certainly very proper topics to be discussed, but as certainly not essential to this question. Of the three, I certainly think the middle line the true course for this country to pursue; I am of opinion that, in our situation, every continental connection is to be determined by its own merits. I am one of those who think that a total inattention to foreign connections might be, as it has proved, very injurious to this country. But, if I am driven to chuse between the two extremes, between that of standing insulated and aloof from all foreign connection and trusting for defence to our own resources, and that system, as laid down in the speech of an honourable gentleman who distinguished himself so much last night, to the extent to which he pressed it, I do not hesitate to declare that my opinion is for the first of those situations. I should prefer even total disunion to that sort of connection, to preserve which we should be obliged to risk the blood and treasure of this country in every quarrel and every change that ambition or accident might bring about in any part of the continent of Europe.

But, Sir, in the question before us, I deny that I am driven to either of these extremes. The honourable gentleman, who spoke with all the ingenuousness as well as the animation of youth, seemed himself to dread the extent to which his own doctrines would lead him: he failed, therefore, to sustain the policy of the system he described, in that part where it can alone apply, namely, to the degree in which it is necessary for us to support a balance of power. Holland, for instance, he states to be our natural ally. Granted. "To preserve Holland, and that she may not fall into the arms of France, we must make an alliance with Prussia." Good. But Prussia may be attacked by Austria. Then we must make an alliance with the Ottoman Porte, that they may fall on Austria. Well, but the Porte may be attacked by Russia — then we must make an alliance with Sweden, that she may fall on Russia. His natural ingenuity pointed out to him, that in casting up the account of all this, it did not produce a favourable balance for England, and he evaded the consequence of his own principle, by saying, that perhaps Russia would not attack the

Porte; for when we speculate on extreme cases, (said the honourable gentleman,) we have a right to make allowances: it is fair to expect that when we are in alliance with the Porte, Russia will feel too sensibly the importance of the commercial advantages she enjoys by her intercourse with this country, to risk the loss of them by an attack on the Porte. Are we, then, to suppose, that, in that scene of universal contest and warfare, this ambitious power, that is perpetually and systematically, as it has been reproached her, aiming at the destruction of the Porte, and while the rest of Europe has been at peace, has been in a state of restless and unceasing hostility with her, will be the only power at peace, and will let slip so favourable an opportunity of destroying her old enemy, simply because she is afraid of losing her trade with you in the Baltic? If the honourable gentleman means to state this as a rational conjecture, I would ask him to look to the fact. Did her sense of these advantages restrain her in the late war, or compel her to desist from the demands she made before we began to arm? Certainly not. We find from the documents before us, that she adhered to one uniform, steady course, from which neither the apprehension of commercial loss, nor the terror of our arms, influenced her one moment to recede. What, then, are we to conclude from this intricate system of balances and counterbalances, and those dangerous theories with which the honourable gentleman seemed to amuse himself? Why, that these are speculations too remote from our policy; that in some parts, even according to the honourable gentleman's argument, they may be defective after all, and consequently, that if the system he builds upon it fails in one of its possibilities, it fails in the whole of them. Such must ever be the fate of systems so nicely constructed.

But it is not true, that the system necessary to enable this country to derive the true benefit from the Dutch alliance, ought to be founded upon those involved and mysterious politics which make it incumbent upon us, nay, which prove its perfection, by compelling us to stand forward the principals in every quarrel, the Quixotes of every enterprise, the agitators in every plot, intrigue, and disturbance, which are every day arising in Europe, to embroil one state of it with another. I confess, that my opinions fall infinitely short of these perilous extremes; that possibly my genius is too scanty, and my understanding too limited and feeble, for the contemplation of their consequences, and that I can speculate no farther than on connections immediately necessary to preserve us, safe and prosperous, from the power of our open enemies and the encroachment of our competitors. This, however, I hold to be the only test by which the merits of an

alliance can be tried, and I should esteem an alliance either valuable or useless, in proportion to its strict adherence to this principle. I did think, for instance, when the intrigues of France threatened to deprive us of our efficient ally, Holland, that it was wise to interfere, and afterwards to form an alliance by which that evil might be prevented. But every step beyond the alliance we then formed, every link in the chain of confederacies so largely expatiated upon by gentlemen on the other side, brings us more and more remote from its true principle; the broad and clear lines of your policy become narrow and less distinct, until they are carried at last to an extremity of Europe, where every trace of them is lost.

Other topics have been introduced into the present discussion. The beginning of the war between Russia and the Porte has been referred to. What possible connection that has with our armament I know not; but of that I shall have occasion to speak by and by. I come, however, Sir, to a question more immediately before us, and that is, the value and importance annexed in the minds of his majesty's ministers to the fortress of Oczakow; and here I must beg leave to say, that they have not once attempted to answer the arguments so judiciously and ably enforced by my honourable friend who made this motion. It was explicitly stated by the gentlemen on the other side, as the only argument for our interference at all, that the balance of Europe was threatened with great danger, if Oczakow was suffered to remain in the hands of Russia. Of no less importance did ministers last year state this fortress of Oczakow, than if it were indeed the talisman on which depended the fate of the whole Ottoman empire. But if this, from their own admission, was true last year, what has happened to alter its value? If it then excited the alarms of his majesty's ministers for the safety of Europe, what can enable them now to tell us that we are perfectly secure? If it was true that her bare possession of Oczakow would be so dangerous, what must be the terror of Europe, when they saw our negociators put Russia into the way of seizing even on Constantinople itself? This was the strong argument of my honourable friend (Mr. Whitbread), and which he maintained with such solid reasoning, that a shadow of an answer has not been given to it. To illustrate the value of Oczakow, however, one honourable gentleman (Mr. Grant) went back to the reign of Elizabeth; nay, to the days of Philip and Demosthenes. He told us, that when Demosthenes, urging the Athenians to make war on Philip, reproached them with inattention to a few towns he had taken, the names of which they scarcely knew, telling them that those towns were the keys by which he would in time invade and overcome

Greece, he gave them a salutary warning of the danger that impended. But if the opponents of that great orator had prevailed, if they had succeeded in inducing their countrymen to acquiesce in the surrender not only of those towns, but of considerably more, as in the present instance, with what face would he afterwards have declared to his countrymen, "True it was that these sorry and nameless towns were the keys to Amphipolis itself, but you have surrendered them; and what is the consequence? You are now in a state of the most perfect security — you have now nothing to fear — you have now the prospect of sixteen years of peace before you!" I ask, Sir, what would have been the reception even of Demosthenes himself, if he had undertaken to support such an inconsistency?

Let us try this, however, the other way. In order to shew that his majesty's ministers merit the censure which is proposed, I will admit that the preservation of the Turks is necessary for the security of a balance of power. I trust, at the same time that this admission, which I make merely for the argument, will not be disingenuously quoted against me, as hypothetical statements too commonly are, for admissions of fact. What will the right honourable gentleman gain by it? The Turks, by his arrangement, are left in a worse situation than he found them; for, previous to his interference, if Russia had gone to Constantinople, he would have been unfettered by the stipulations which bind him now, and he and his ally might have interfered, to save the Porte from total destruction. Now, however, the possible and total extirpation of the Ottoman power is made to depend on a point so precarious, as their accepting the proposal which the right honourable gentleman thought fit to agree to for them, within the space of four months. And what is this proposal? Why, that the Turks should give up, not only the object of the war they had begun, but this very Oczakow, which of itself was sufficient, in the hands of Russia, to overturn the balance. If, therefore, it was so important to recover Oczakow, it is not recovered, and ministers ought to be censured. If unimportant, they ought never to have demanded it. If so unimportant, they ought to be censured for arming; but if so important as they have stated it, they ought to be censured for disarming without having gained it. Either way, therefore, the argument comes to the same point, and I care not on which side the gentlemen chuse to take it up: for whether Oczakow be, as they told us last year, the key to Constantinople, on the preservation of which to Turkey the balance of Europe depended, or, as they must tell us now, of no comparative importance, their conduct is equally to be condemned

for disarming, and pusillanimously yielding up the object, in the first instance; for committing the dignity of their sovereign, and hazarding the peace of their country, in the second.

But they tell us: "It is unfair to involve us in this dilemma; there was a middle course to be adopted. Oczakow was certainly of much importance; but this importance was to be determined upon by circumstances." Sir, we are become nice, indeed, in our political arithmetic. In this calculating age, we ascertain to a scruple what an object is really worth. Thus, it seems, that Oczakow was worth an armament, but not worth a war: it was worth a threat, but not worth carrying that threat into execution. Sir, I can conceive nothing so degrading and dishonourable, as an argument such as this. To hold out a menace, without ever seriously meaning to enforce it, constitutes, in common language, the true description of a bully; applied to the transactions of a nation, the disgrace is deeper, and the consequences fatal to its honour. Yet such is the precise conduct the king's ministers have made the nation to hold in the eyes of Europe, and which they defend by an argument, which, if urged in private life, would stamp a man with the character of a coward and a bully, and sink him to the deepest abyss of infamy and degradation. Sure I am, that this distinction never suggested itself to the reflection of a noble duke (the Duke of Leeds), whose conduct throughout the whole of this business has evinced the manly character of his mind, unaccustomed to such calculations. From him we learn the fact. He said, in his place, that his colleagues thought it fit to risk a threat to recover Oczakow, but would not risk a war for it. Such conduct was not for him! It might suit the characters of his colleagues in office, it could not suit his. But they say, it might be worth a war with the public opinion, but worth nothing without it. I cannot conceive any case, in which a great and wise nation, having committed itself by a menace, can withdraw that menace without disgrace. The converse of the proposition I can easily conceive — that there may be a case, for instance, not fit to be asked at all, but which being asked for, and with a menace, it is fit to insist upon. This undoubtedly goes to make a nation, like an individual, cautious of committing itself, because there is no ground so tender as that of honour. How do ministers think on this subject? Oczakow was every thing by itself, but when they added to Oczakow the honour of England, it became nothing. Oczakow, by itself, threatened the balance of Europe. Oczakow and honour weighed nothing in the scale. Honour is, in their political arithmetic, a *minus* quantity, to be subtracted from the value of Oczakow.

Sir, I am ashamed to state this reasoning; nor can I reflect on the foul stain it has fixed on the English name, without feeling mortified and humbled indeed. Their late colleague, the noble duke, urged his sentiments with the feelings that became him; feelings that form a striking contrast to those that actuate the right honourable gentleman. He told his country, that when he had made up his mind to the necessity of demanding Oczakow, it was his opinion that it might have been obtained without a war; but having once demanded it, he felt it his duty not to shrink from the war that might ensue from the rejection of that demand, and preferred the resignation of his office to the retracting that opinion.

His majesty's ministers tell us, however, and seem to value themselves much upon it, that in abandoning the object for which they had armed, they acted in conformity to public opinion. Sir, I will state fairly my sentiments on this subject too. It certainly is right and prudent to consult the public opinion; it is frequently wise to attend even to public prejudices, on subjects of such infinite importance, as whether they are to have war or peace. But if, in the capacity of a servant of the crown, I were to see, or strongly to imagine that I saw, any measures going forward that threatened the peace or prosperity of the country, and if the emergency was so pressing, as to demand the sudden adoption of a decisive course to avert the mischief, I should not hesitate one moment to act upon my own opinion. If the public opinion did not happen to square with mine; if, after pointing out to them the danger, they did not see it in the same light with me, or if they conceived that another remedy was preferable to mine, I should consider it as due to my king, due to my country, due to my own honour, to retire, that they might pursue the plan which they thought better, by a fit instrument, that is, by a man who thought with them. Such would be my conduct on any subject where conscientiously I could not surrender my opinion. If the case was doubtful, or the emergency not so pressing, I should be ready, perhaps, to surrender my opinion to that of the public; but, one thing is most clear in such an event as this, namely, that I ought to give the public the means of forming an opinion. Do I state this difference fairly? If I do, and if the gentlemen over against me will admit, that in the instance before us the public opinion ought to have influenced them, it follows, that the public opinion ought to have been consulted, before we were committed in the eyes of Europe, and that the country ought to have had the information necessary to form their judgment upon the true merits of this question. Did the king's ministers act thus? Did they either take the public

opinion, or give us the means of forming one? Nothing like it. On the 28th of March the message was brought down to this House. On the 29th, we passed a vote of approbation, but no opinion was asked from us, no explanation was given us; so far from it, we were expressly told, our advice was not wanted; that we had nothing to do with the prerogative of the crown to make war; that all our business was to give confidence. So far with regard to this House; and I cannot help thinking this conduct somewhat hard upon the majority, who certainly might have counted for something in the general opinion, when the right honourable gentleman was collecting it; if he meant fairly so to do. I grant, indeed, that there are many ways by which the feeling and temper of the public may be tolerably well known out of this House, as well as in it. I grant that the opinion of a respectable meeting at Manchester, of a meeting at Norwich, of a meeting at Wakefield, of public bodies of men in different parts of England, might give the right honourable gentleman a correct idea of the public opinion. Permit me to say too, that in the speeches of the minority of this House, he might find also the ground of public opinion — both what might give it rise, and what might give it countenance. But was the majority of this House the only body whose opinions were not worth consulting? "I travelled to Norwich, to York, Manchester, Wakefield, for opinions," will the right honourable gentleman say? "I listened to the minority, I looked to Lord Stormont, to the Earl of Guildford; but as to you, my trusty majority, I did not look to you. I had other business for you. It is not your office to give opinions; your business is to confide. You must pledge yourselves, in the first instance, to all I can ask from you, and perhaps some time in the next year I may condescend to let you know the grounds on which you are acting." Such is the language he holds to us, if his conduct were to be explained by words: and a conduct more indecent or preposterous is not easily to be conceived. For it is neither more nor less than to tell us: "When I thought the Ottoman power in danger, I asked for an armament to succour it. You approved and granted it to me. The public sense was against me, and without minding you, I yielded to that sense. My opinion, however, remains still the same, though it must be confessed, that I led you into giving a sanction to my schemes, by a species of reasoning which it appears the country has saved itself by resisting. But they were to blame. I yet think that the exact contrary of what was done ought to have been done; and that the peace and safety of Europe depended upon it. But never mind how you voted, or how directly opposite to the general opinion, with which I complied, was that opinion

I persuaded you to support. Vote now that I was right in both—in the opinion I still maintain, and in my compliance with its opposite. The peace of Europe is safe; I keep my place, and all is right again."

But, after all, the right honourable gentleman did not act from any deference to the public opinion; and to prove this, I have but to recal to your recollection dates. The message was brought down, as I said before, on the 28th of March; and in less than a week, I believe in four days, afterwards, before it was possible to collect the opinion of any one public body of men, their whole system was reversed. The change, therefore, could not come from the country, even had they been desirous of consulting it. But I have proved that they were not desirous to have any opinion from any quarter: they came down with their purposes masked and veiled to this House, and tried all they could to preclude inquiry into what they were doing. These are not the steps of men desirous of acting by opinion. I hold it, however, to be now acknowledged, that it was not the public opinion, but that of the minority in this House, which compelled the ministers to relinquish their ill-advised projects; for a right honourable gentleman, who spoke last night, (Mr. Dundas,) owned the truth, in his own frank way. "We certainly," said he, "do not know that the opinion of the public was against us; we only know that a great party in this House was against us, and therefore we apprehended, that though one campaign might have been got through, at the beginning of the next session they would have interrupted us in procuring the supplies." I believe I quote the right honourable gentleman correctly; and here, Sir, let me pause, and thank him for the praise which he gives the gentlemen on this side the House. Let me indulge the satisfaction of reflecting, that though we have not the emoluments of office, nor the patronage of power, yet we are not excluded from great influence on the measures of government. We take pride to ourselves, that at this moment we are not sitting in a committee of supply, voting enormous fleets and armies to carry into execution this calamitous measure. To us he honestly declares this credit to be due; and the country will, no doubt, feel the gratitude they owe us, for having saved them from the miseries of war. An honourable gentleman, indeed, (Mr. Jenkinson,) has told us, that our opposition to this measure in its commencement occasioned its having been abandoned by the ministers; but he will not allow us the merit of having saved the country from a war by our interposition, but charges us with having prevented their obtaining the terms demanded, which would have been got without a war. I am glad to hear this argument; but must declare, in the name of the minority, that we

think ourselves most unfairly treated by it, and forced into a responsibility that belongs, in no manner whatever, to our situation. The right honourable gentleman, when repeatedly pressed on this subject, during the last session, was uniform in affirming, that he had reasons for his conduct, to his mind so cogent and unanswerable, that he was morally certain of the indispensable necessity of the measures he was pursuing. He has said the same since, and to this hour continues his first opinion. If, therefore, the right honourable gentleman thought so, and thought at the same time that our arguments were likely to mislead the country from its true interests, why did he continue silent? If public opinion was so necessary for him, that without it, as he tells us now, he could not proceed a single step, why did he suffer us to corrupt the passions, to blind and to pervert the understandings of the public, to a degree that compelled his sacrifice of this essential measure? Why did he quietly, and without concern, watch the prevalence of our false arguments? Why did he sanction their progress, by never answering them, when he knew the consequence must necessarily be, to defeat his dearest object, and put the safety of his country to the hazard? Why did he not oppose some antidote to our poison? But, having neglected to do this, (because of his duty to preserve state secrets, as he would have us believe), what possible pretext has he to come forward now and accuse us of thwarting his views, or to cast the responsibility of his failure and disgrace upon us, whose arguments he never answered, and to whom he obstinately and invariably refused all sort of information, by which we might have been enabled to form a better judgment, and possibly to agree with him on this subject? The right honourable gentleman, however, (Mr. Dundas,) judges more fairly of us; and I thank him for the handsome acknowledgement he has paid to the true character of the gentlemen on this side of the House; for by owning, that because we did not happen to approve of this armament it was abandoned, he owns another fact—that we are not what an honourable gentleman (Mr. Steele) chose to represent us, an indiscriminate faction, disapproving of every thing, right or wrong. This is clearly manifest from his own admissions; for, giving up when they found we disapproved, they must have begun in the idea that we should approve. We approved in the case of Holland, and in the case of Spain. In the first case we did so, because the rectitude of the thing was so clear, that every well-wisher to England must approve it. We did so in the case of Spain, because the objects were explained to us—the result given, and the reparation demanded, were both before us. But had the right honourable gentleman any right, because we agree

to the Dutch and Spanish armaments, to anticipate the consent of opposition to this? It was insulting to impute the possibility to us! What! agree to take the money out of the pockets of the people, without an insult explained, or an object held up! It is said the object was stated, and that the means only were left to conjecture. That the object proposed to the House, was an armament to make a peace, and Oczakow was supposed to be the means by which that peace was to be effected. Sir, it is almost constantly my misfortune to be differing from the right honourable gentleman as to the import of the words "object" and "means." In my way of using these words, I should have directly transposed them, and called the armament the means of effecting peace, and Oczakow the object of that armament. And the event proves that ministers thought as I do; for they gave up that object, because they knew they could get the end they proposed by their armament without it. This object, indeed, whatever was its importance, whether it was or was not, as we have alternately heard it asserted and denied, the key of Constantinople, nay, as some wild and fanciful people had almost persuaded themselves, the key to our possessions in the East Indies, the king's ministers have completely renounced; and seem by their conduct to have cared very little what became of that or of Constantinople itself? The balance of Europe, however, is perfectly safe, they tell us; and on that point we have nothing more to apprehend. The enormous accession of power to Russia, from the possession of Oczakow, so far from affecting Great Britain, is not likely, according to what the ministers assure us, to disturb the tranquillity of her nearest neighbours. I must here remind an honourable gentleman, who spoke so much on the balance of Europe, (Mr. Jenkinson,) that he did not seem to pay sufficient attention to Poland, as if that country, now become in some degree able to act for itself, from the change in its constitution, was of no moment, or incapable of having an influence in any manner upon his system of treaties and attacks. That Oczakow, therefore, was at any time an object sufficient to justify their interference, I have stated many reasons for concluding will not be alledged this night. Some of the gentlemen on the other side, indeed, have advanced other grounds, and told us, (I confess it is for the first time,) that in this war the Empress of Russia was the aggressor; that on her part the war was offensive, and that it became us to interfere to stop her progress. They tell us of various encroachments in the Cuban, of hostilities systematically carried on in violation of treaties, and many other instances; not one of which they have attempted to prove by a single document, or have rested on any other foundation than

their own assertions. But to these, Sir, I shall oppose the authority of ministers themselves; for, in one of the dispatches of the Duke of Leeds to Mr. Whitworth, he desires him to communicate to the court of Petersburgh, that if they will consent to make peace with the Turks on the *status quo*, the allies will consent to guarantee the Crimea to them, "the object of the war," as he states it to be. I desire no farther proof than this, that we always considered the Turks as the aggressors; for it follows, that where any place, in the possession of one power, is made the object of a war by another, the power claiming that object is the aggressor. If, for example, we were at war with Spain, and Gibraltar the object, Spain of course would be the aggressor: the contrary, if the Havannah were the object. The King of England, therefore, by the dispatch which I have quoted, has, in words and in fact, acknowledged the Turks to have been the aggressors in this war, by making pretensions to a province solemnly ceded to Russia in the year 1783. I can scarcely think that ministers mean to contend, that session by treaty does not give right to possession. Where are we to look, therefore, to ascertain the right of a country to any place or territory, but to the last treaty? To what would the opposite doctrine lead? France might claim Canada, ceded in 1763, or we Tobago, ceded in 1783. It might be urged that they took advantage of our dispute with our own colonies; and that the treaty gave no right. Canada, Jamaica, every thing might be questioned. Where would be the peace of Europe, if these doctrines were to be acted on? Every country must continue in a state of endless perplexity, armament, and preparation. But happily for mankind, a different principle prevails in the law of nations; there the last treaty gives the right, and upon that we must aver, that if, as the dispatch says, the Crimea was the object, the Turk was the aggressor. What, therefore, was the right claimed by the right honourable gentleman to enter into this dispute? I will answer, the right of a proud man, anxious to play a lofty part. France had gone off the stage; the character of the miserable disturber of empires was vacant, and he resolved to boast and vapour, and play his antic tricks and gestures on the same theatre. And what has been the first effects of this new experiment, upon the policy and character of the British nation? That in the pride of our power we have miserably disgraced ourselves in the eyes of Europe; that the name of his majesty has been sported with and stained; that the people of England have been inflamed, their commerce disturbed, the most valuable citizens dragged from their houses, and half a million of money added to the public burdens! And here, Sir, in justice to my own feelings, I cannot pass

over wholly in silence the fate of that valuable body of our fellow-citizens, who are more particularly the victims of these false alarms, and by whom the most bitter portion of the common calamity must be borne. I am compelled to admit, that every state has a right, in the season of danger, to claim the services of all, or any of its members; that the "*salus populi, suprema lex est.*" Tenderness and consideration in the use of such extensive powers is all I can recommend to those whose business it is to call them into action. But here I must lament, in common with every feeling mind, that unnecessary barbarity which dragged them from their homes, deprived them of their liberty, and tore them from the industrious exercise of those modes of life by which they earned support for their families, wantonly, cruelly, and without pretext, because without the smallest intention of employing them. The gentlemen well know what I state to be a fact; for they know that their system was changed, and their object abandoned, before even they had begun to issue press-warrants.

I return, Sir, to the disagreeable condition in which the right honourable gentleman has involved us. Let us see whether what I have said on this point be not literally true. The Empress of Russia offered, early in the year 1790, to depart from the terms she had at first thrown out, namely, that Bessarabia, Wallachia, and Moldavia, should be independent of the Ottoman power. This, it appears, she yielded upon the amicable representations of the allied powers, and substituted in the room of them those conditions which have since been conceded to her, namely, that the Dneister should be the boundary between the two empires, and all former treaties should be confirmed. "Then," say ministers, "if we gained this by "simple negociation, what may we not gain by an armament?" Thus judging of her pusillanimity by their own, they threatened her. What did she do? Peremptorily refused to depart one atom from her last conditions; and these, I assert, were in the possession of his majesty's ministers long before the armament: they knew not only this early in the month of March, but likewise the resolution of the empress not to rise in her demands, notwithstanding any farther success that might attend her arms. The memorial of the court of Denmark, which they have, for reasons best known to themselves, refused us, but which was circulated in every court, and published in every newspaper in Europe, fully informed them of these matters. But the king's ministers, with an absurdity of which there is no example, called upon the country to arm. Why? Not because they meant to employ the armament against her, but in the fanciful hope, that because, in an amicable negociation, the empress had been prevailed upon not to press the demand

of Wallachia, Moldavia, and Bessarabia, as independent sovereignties, they should infallibly suceeed, by arming, and not employing that armament, in persuading her to abandon all the rest! And what is the end? Why, that after pledging the king's name, in the most deliberate and solemn manner; after lofty vapouring, menacing, promising, denying, turning and turning again; after keeping up the parade of an armament for four months, accompanied with those severe measures, to be regretted even when necessary, to be reprobated when not, the right honourable gentleman crouches humbly at her feet; intreats, submissively supplicates of her moderation, that she will grant him some small trifle of what he asks, if it is but by way of a boon; and finding at last that he can get nothing either by his threats or his prayers, gives up the whole, precisely as she had insisted upon having it!

The right honourable gentleman, however, is determined that this House shall take the whole of this disgrace upon itself. I heard him, with much delight, on a former day, quote largely from that excellent philosophical work, "The Wealth "of Nations." In almost the first page of that book, he will find it laid down as a principle, that by a division of labour in the different occupations of life, the objects to which it is applied are perfected; time is saved, dexterity improved, and the general stock of science augmented: that by joint effort, and reciprocal accommodation, the severest tasks are accomplished and difficulties surmounted, too stubborn for the labour of a single hand. Thus, in the building of a great palace, we observe the work to be parcelled out into different departments, and distributed and subdivided into various degrees, some higher, some lower, to suit the capacities and condition of those who are employed in its construction. There is the architect who invents the plan and erects the stately columns; there is the dustman and the nightman to clear away the rubbish. The right honourable gentleman applies these principles to his politics, and in the division and cast of parts for the job we are now to execute for him, has reserved for himself the higher and more respectable share of the business, and leaves all the dirty work to us. Is he asked why the House of Commons made the armament last year? He answers, "the House of Commons did not make the armament! I made it. The House of Commons only approved it."—Is he asked why he gave up the object of the armament, after he had made it? "I did not give it up!" he exclaims: "I think the same of its necessity as ever: it is the House of Commons that gives it up: it is this House that supports the nation in their senseless clamour against my measures: it is to this House that you must look for the shame and guilt

of your disgrace." To himself he takes the more conspicuous character of menacer. It is he that distributes provinces, and limits empires; while he leaves to this House the humbler office of licking the dust, and begging forgiveness:

> 'Not mine these groans—
> These sighs that issue, or these tears that flow.'

"I am forced into these submissions by a low, contracted, grovelling, mean-spirited, and ignorant people!" But this is not all. It rarely happens, that in begging pardon, when men determine upon that course, they have not some benefit in view, or that the profit to be got is not meant to counterbalance, in some measure, the honour to be sacrificed. Let us see how the right honourable gentleman managed this. On the first indication of hostile measures against Russia, 135 members of this House divided against the adoption of them. This it was, according to a right honourable gentleman who spoke in the debate yesterday (Mr. Dundas), that induced ministers to abandon their first object; but not like the Duke of Leeds, who candidly avowed that if he could have once brought himself to give up the claim of Oczakow, he would not have stood out for the rasing its fortifications, or any such terms. The ministers determine that the nation at least shall reap no benefit from the reversal of their system. "You have resisted our projects," say they; "you have discovered and exposed our incapacity; you have made us the ridicule of Europe, and such we shall appear to posterity: you have defeated, indeed, our intensions of involving you in a war; but *you* shall not be the gainers by it! *you* shall not save your money! We abandon Oczakow, as you compel us to do, but we will keep up the armament, if it is only to spite you!"

Determined to act this disgraceful part, their next care was to do it in the most disgraceful manner; and as they had dragged parliament and their king through the dirt and mire, they resolved to exhibit them in this offensive plight to the eyes of Europe. To do this, they did not care to trust to the minister we had at Petersburgh; a gentleman distinguished for amiable manners, and a faithful, vigilant, and able discharge of his duty. Why was the management of the negociation taken from him? Was he too proud for this service? No man should be too proud to do his duty; and of all our foreign ministers, Mr. Whitworth I should think the very last, to whom it could be reproached that he was remiss in fulfilling the directions he receives, in their utmost strictness. But a new man was to be found; one whose reputation for talents and honour might operate, as they hoped, as a sort of set-off against the incapacity he was to cure, and the national honour he was

deputed to surrender. Was it thus determined, because in looking round their diplomatic body, there was no man to be selected from it, whose character assimilated with the dirty job he was to execute? As there was honour to be sacrificed, a stain to be fixed upon the national character, engagements to be retracted, and a friend to be abandoned, did it never occur to them that there was one man upon their diplomatic list, who would have been pronounced by general acclamation thoroughly fitted in soul and qualities for this service? Such a person they might have found, and not so occupied as to make it inconvenient to employ him; they would have found him absent from his station, under the pretence of attending his duty in this House, though he does not choose often to make his appearance here. Instead of this, however, they increased the dishonour that they doomed us to suffer, by sending a gentleman endowed with every virtue and accomplishment, who had acquired, in the service of the Empress of Russia, at an early period of his life, a character for bravery and enterprise, that rendered him personally esteemed by her, and in whom fine talents and elegant manners, ripened by habit and experience, had confirmed the flattering promise of his youth. Did they think that the shabbiness of their message was to be done away by the worth of the messenger? If I were to send a humiliating apology to any person, would it change its quality by being entrusted to Lord Rodney, Admiral Pigot, my honourable friend behind me (General Burgoyne), Lord Cornwallis, Sir Henry Clinton, Sir William Howe, or any other gallant and brave officer? Certainly not. It was my fortune, in very early life, to set out in habits of particular intimacy with Mr. Fawkener, and however circumstances may have intervened to suspend that intimacy, (circumstances arising from wide differences in political opinion,) they never have altered the sentiments of private esteem which I have uniformly felt for him; and, with every amiable and conciliating quality that belongs to man, I know him to be one from whom improper submissions are the least to be expected.

Well, Sir, these gentlemen, Mr. Whitworth and Mr. Fawkener, commence the negociation, by the offer of three distinct propositions, each of them better than the other, and accompany it with an expression somewhat remarkable, namely, that this negociation is to be as unlike all the others as possible, and to be "founded in perfect candour." To prove this, they submit at once to the Russian ministers "all that their instructions enable them to propose." Who would not have imagined, according to the plain import of these words, that unless the empress had assented to one of these

propositions, all amicable interposition would have been at an end, and war the issue? The "perfect candour" promised in the beginning of their note, leads them to declare explicitly, that unless the fortifications of Oczakow are raised, or the Turks are allowed as an equivalent to keep both the banks of the Dniester, the allies cannot propose any terms to them. What answer do they receive? An unequivocal rejection of every one of their propositions; accompanied, however, with a declaration, to which I shall soon return, that the navigation of that river shall be free to all the world, and a reference to those maxims of policy which have invariably actuated the Empress of Russia in her intercourse with neutral nations, whose commerce she has at all times protected and encouraged. With this declaration the British Plenipotentiaries declare themselves perfectly contented: nay more, they engage that if the Turks should refuse these conditions, and continue obstinate longer than four months, the allied courts "will abandon the termination of the war to the events it may produce." And here ends for ever all care for the Ottoman empire, all solicitude about the balance of power. The right honourable gentleman will interpose no farther to save either, but rests the whole of a measure, once so indispensable to our safety, upon this doubtful issue—whether the Turks will accept in December those very terms which, in July, the British ministers could not venture to propose to them!

Sir, we may look in vain to the events of former times for a disgrace parallel to what we have suffered. Lewis the Fourteenth, a monarch often named in our debates, and whose reign exhibits more than any other the extremes of prosperous and of adverse fortune, never, in the midst of his most humiliating distresses, stooped to so despicable a sacrifice of all that can be dear to man. The War of the Succession, unjustly begun by him, had reduced his power, had swallowed up his armies and his navies, had desolated his provinces, had drained his treasures, and deluged the earth with the blood of the best and most faithful of his subjects. Exhausted by his various calamities, he offered at one time to his enemies to relinquish all the objects for which he had begun the war: that proud monarch sued for peace, and was content to receive it from our moderation. But when it was made a condition of that peace that he should turn his arms against his grandson, and compel him by force to relinquish the throne of Spain—humbled, exhausted, conquered as he was, misfortune had not yet bowed his spirit to conditions so hard as these. We know the event: he persisted still in the war, until the folly and wickedness of Queen Anne's ministers enabled him to conclude the peace of Utrecht on terms considerably less

disadvantageous even than those he had himself proposed. And shall we, Sir, the pride of our age, the terror of Europe, submit to this humiliating sacrifice of our honour? Have we suffered a defeat at Blenheim? Shall we, with our increasing prosperity, our widely-diffused capital, our navy, the just subject of our common exultation, our overflowing coffers, that enable us to give back to the people what, in the hour of calamity, we were compelled to take from them; flushed with a recent triumph over Spain, and yet more than all, while our old rival and enemy is incapable of disturbing us, shall it be for us to yield to what France disdained in the hour of her sharpest distress, and exhibit ourselves to the world the sole example in its annals of such an abject and pitiful degradation?

But gentlemen inform us now, in justification, as I suppose they mean it, of all these measures, that to effect a peace between Russia and the Porte, was only the ostensible cause of our armament, or at least not the sole cause; and that ministers were under some apprehension lest the emperor, if the allies were to disarm, should insist on better terms from the Turks, than he had agreed to accept by the convention of Reichenbach. This I cannot believe. When his majesty sends a message to inform his parliament, that he thinks it necessary to arm for a specific purpose, I cannot suppose that a falsehood has been put into his majesty's mouth; and that the armament, which he proposes as necessary for one purpose, is intended for another. If the right honourable gentleman shall tell me, that although the war between Russia and the Porte was the real cause of equipping the armament, yet that being once equipped, it was wise to keep it up when no longer wanted on that account, because the emperor seemed inclined to depart from the convention of Reichenbach; then I answer, that it was his duty to have come with a second message to parliament, expressly stating this new object, with the necessary information, to enable the House to judge of its propriety.

Another of the arguments for continuing the armament after the object was relinquished, is, that Russia might have insisted on harder terms, not conceiving herself bound by offers which we had refused to accept. I perfectly agree with gentlemen, that after the repeated offer of those terms, on the part of Russia, and the rejection of them by us, the empress was not bound to adhere to them, in all possible events and contingencies. If the war had continued, she would have had a right to farther indemnifications for the expence of it. But was it not worth the minister's while to try the good faith of the Empress of Russia, after she had so solemnly pledged herself

to all Europe that she would not rise in her demands? The experiment would have been made with little trouble; by the simple expedient of sending a messenger to ask the question. The object of his armament would have suffered little by the delay, as an answer from the Russian court might have been had in five or six weeks. Was it reasonable in ministers to suppose, that because, in the early part of the negociation, the empress had shewn so much regard to us, as actually to give up whatever pretensions she had formed to other provinces of the Turkish empire, solely with the view of obtaining our concurrence to the principle on which she offered to make peace, she would revert to those very pretensions the instant she had obtained that concurrence on our part, for the benefit of which she had sacrificed them? Surely, as I have said, it was worth while to make the experiment: but simple and obvious as this was, a very different course was adopted. Oczakow, indeed, was relinquished before the armament began, as we may find by comparing the date of the press-warrants with that of the Duke of Leeds's resignation. As soon as the king's message was delivered to parliament, a messenger was dispatched to Berlin with an intimation of the resolution to arm. This, perhaps, was rashly done; as they might have foreseen that the measure would probably meet with opposition, and much time could not have been lost by waiting the event of the first debate. No sooner was the division known, than a second messenger was sent off to overtake and stop the dispatches of the first; and this brings me to another argument, which I confess appears to me very unlikely to help them out. They tell us, that the King of Prussia having armed in consequence of our assurances of support, we could not disarm before we knew the sentiments of the court of Berlin, without the imputation of leaving our ally in the lurch. Did we wait for the sentiments of that court to determine whether Oczakow was to be given up or not? Sir, when that measure was resolved upon, the right honourable gentleman actually had abandoned his ally; and that such was the general sense of the court of Berlin, I believe can be testified by every Englishman who was there at the time. No sooner did the second messenger arrive, and the contents of his dispatches become known, than a most general indignation arose against the conduct of the right honourable gentleman; and I am well enough informed on the subject to state to this House, that not an Englishman could shew his face in that capital, without exposing himself to mortification, perhaps to insult.

But, Sir, between the 28th of April, when the message was brought down to this House, and the 2d or 3d of May, when the second messenger was dispatched with the news that mi-

nisters had abandoned the object of it, the armament could not have been materially advanced. Why, then, was it persisted in? The right honourable gentleman cannot argue, that he kept up the armament in compliance with his engagements with Prussia, when the armament, in fact, did not exist, and when it had been begun but four or five days previous to his renouncing the object of it. That could not have been his motive. What, then, was the motive? Why, that he was too proud to own his error, and valued less the money and tranquillity of the people, than the appearance of firmness, when he had renounced the reality. False shame is the parent of many crimes. By false shame a man may be tempted to commit a murder, to conceal a robbery. Influenced by this false shame, the ministers robbed the people of their money, the seamen of their liberty, their families of support and protection, and all this to conceal that they had undertaken a system which was not fit to be pursued. If they say that they did this, apprehensive that without the terror of an armament Russia would not stand to the terms which they had refused to accept, they do no more than acknowledge, that by the insolence of their arming, and the precipitancy of their submission, they had either so provoked her resentment, or excited her contempt, that she would not even condescend to agree to her own propositions when approved by them. But, however they might have thought her disposed to act on this subject, it was at least their duty to try whether such would have been her conduct or not.

To prove that the terms to which they agreed at last were the same with those they before rejected, all I feel it necessary for me to observe is, that the free navigation of the river Dniester, the only novelty introduced into them, was implied in proposing it as a boundary; for it is a well known rule, that the boundary between two powers, must be as free to the one as to the other. True, says the minister, but we have got the free navigation for the subjects of other powers, particularly for those of Poland. If this be an advantage, it is an advantage he has gained by concession; for if he had not agreed that the river should be the boundary, the navigation would not have been free. The Turks offered no such stipulation, had they been put in possession of both the banks; besides which, as a noble duke, whom I have already quoted, well observed, it is an advantage, whatever may be its value, which can subsist only in time of peace. It is not, I suppose, imagined that the navigation will be free in time of war. They have then got nothing that deserves the name of a "modification," a term, I must here observe, the use of which is not justified even by the original memorial, where the sense is more accurately expressed

by the French word "*radoucissement.*" Was it, then, for some *radoucissement* that they continued their armament? Was it to say to the empress, when they had conceded every thing, "We have given you all you asked; give us something that we may hold out to the public, something that we may use against the minority; that minority whom we have endeavoured to represent as your allies. We have sacrificed our allies, the Turks, to you; you can do no less than sacrifice your allies, the minority, to us?" If I had been to advise the empress on the subject, I would have counselled her: Grant the British minister something of this sort. I would even have advised her to raze the fortifications of Oczakow, if he had insisted on it; I would have appealed from her policy to her generosity, and said, Grant him this as an apology, for he stands much in need of it. His whole object was to appear to gain something, no matter what, by continuing the armament, and even in this last pitiful and miserable object he has failed.

If, after all, I ask, whether these terms are contained in the peace that we have concluded for the Turks, or rather which the Turks concluded for themselves, the answer is, "We have no authentic copy of it." Is this what we have got by our arms, by distressing our commerce, dragging our seamen from their homes and occupations, and squandering our money? Is this the efficacy of our interference and the triumph of our wisdom and our firmness? The Turks have at length concluded a peace, of which they do not even condescend to favour us with a copy, so that we know what it is only by report, and the balance of Europe, lately in so much danger, and of so much importance, is left for them to settle without consulting us! Is it for this that we employ such men as Mr. Fawkener and Mr. Whitworth? They were sent to negociate for the materials of a speech, and failed. But what are the complaints that private friendship has a right to make compared with those of an insulted public? Half a million of money is spent, the people alarmed and interrupted in their proper pursuits by the apprehension of a war, and for what? For the restoration of Oczakow? No; Oczakow is not restored. To save the Turks from being too much humbled? No; they are now in a worse situation than they would have been had we never armed at all. If Russia had persevered in that system of encroachment of which she is accused, we could, as I observed before, then have assisted them unembarrassed. We are now tied down by treaties and fettered by stipulations; we have even guaranteed to Russia what we before said it would be unsafe for the Turks to yield, and dangerous to the peace of Europe for Russia to possess. This is what the

public have got by the armament. What, then, was the private motive?

> " Scilicet, ut Turno contingat regia conjux,
> Nos, animæ viles, inhumata infletaque turba,
> Sternamur campis."

The minister gained, or thought he was to gain, an excuse for his rashness and misconduct, and to purchase this excuse, were the public money and the public quiet wantonly sacrificed. There are some effects, to combine which with their causes, it is almost sufficient to drive men mad. That the pride, the folly, the presumption of a single person, shall be able to involve a whole people in wretchedness and disgrace, is more than philosophy can teach mortal patience to endure. Here are the true weapons of the enemies of our constitution! Here may we search for the source of those seditious writings, meant either to weaken our attachment to the constitution, by depreciating its value, or that loudly tell us we have no constitution at all. We may blame, we may reprobate such doctrines, but while we furnish those who circulate them with arguments such as these; while the example of this day shews us to what degree the fact is true, we must not wonder if the purposes they are meant to answer be but too successful. They argue, that a constitution cannot be right where such things are possible; much less so when they are practised without punishment. This, Sir, is a serious reflection to every man who loves the constitution of England. Against the vain theories of men who project fundamental alterations upon grounds of mere speculative objection, I can easily defend it: but when they recur to these facts, and shew me how we may be doomed to all the horrors of war, by the caprice of an individual, who will not even condescend to explain his reasons, I can only fly to this House, and exhort you to rouse from your lethargy of confidence, into the active mistrust and vigilant control which your duty and your office point out to you.

Without recurring to the dust to which the minister has been humbled, and the dirt he has been dragged through, if we ask for what the peace of the public has been disturbed — for what that man is pressed and dragged like a felon to a service that should be honourable? We must be answered — for some three quarters of a mile of territory on the banks of the Dniester! In the name of all we value, give us, when such instances are quoted in derogation of our constitution, some right to answer, that these are not its principles, but the monstrous abuses intruded into its practice. Let it not be said, that because the executive power, for an adequate and evident cause, may adopt measures that require expence without

consulting parliament, we are to convert the exception into the rule; to reverse the principle; and that it is now to be assumed that the money of the people may be spent for any cause, or for none, without either submitting the exigency to the judgment of their representatives, or inquiring into it afterwards, unless we can make out ground for a criminal charge against the executive government. Let us disclaim these abuses, and return to the constitution. I am not one of those who lay down rules as absolute, but I maintain the general rule to be, that, before the public money is voted away, the occasion that calls for it should be fairly stated, for the consideration of those who are the proper guardians of the public money. Had the minister explained his system to parliament, before he called for money to support it, and had parliament decided that it was not worth supporting, he would have been saved the mortification and disgrace in which his own honour is involved, and by being furnished with a just excuse to Prussia for withdrawing from the prosecution of it, have saved that of his sovereign and his country, which he has irrecoverably tarnished. Is unanimity necessary to his plans? He can be sure of it in no manner, unless he explain them to this House, who are certainly much better judges than himself of the degree of unanimity with which they are likely to be received. Why, then, did he not consult us? Because he had other purposes to answer in the use he meant to make of his majority. Had he opened himself to the House, and had we declared against him, he might have been stopped in the first instance. had we declared for him, we might have held him too firmly to his principle, to suffer his receding from it as he has done. Either of these alternatives he dreaded. It was his policy to decline our opinions and to exact our confidence; that thus having the means of acting either way, according to the exigencies of his personal situation, he might come to parliament, and tell us what our opinions ought to be; which set of principles would be most expedient to shelter him from inquiry, and from punishment. It is for this he comes before us with a poor and pitiful excuse, that for want of the unanimity he expected, there was reason to fear, if the war should go to a second campaign, that it might be obstructed. Why not speak out, and own the real fact? He feared that a second campaign might occasion the loss of his place. Let him keep but his place, and he cares not what else he loses. With other men, reputation and glory are the objects of ambition; power and place are coveted but as the means of obtaining them. For the minister, power and place are sufficient of themselves. With them he is content; for them he can calmly sacrifice

every proud distinction that ambition covets, and every noble prospect to which it points the way.

Sir, there is yet an argument which I have not sufficiently noticed. It has been said, as a ground for the right honourable gentleman's defence, that he was prevented from gaining what he demanded by our opposition, and, but for this, that Russia would have complied and never would have hazarded a war. Sir, I believe the direct contrary, and my belief is as good as their assertion, unless they will give us some proof of its veracity. Until then, I have a right to ask them, what if Russia had not complied? Worse and worse for him! He must have gone on, redoubling his menaces and expences, the Empress of Russia continuing inflexible as ever, but for the salutary opposition which preserved him from his extremity of shame. I am not contending that armaments are never necessary to enforce negociations, but it is one, and that not the least, of the evils attending the right honourable gentleman's misconduct, that by keeping up the parade of an armament, never meant to be employed, he has in a great measure deprived us of the use of this method of negociating, whenever it may be necessary to apply it effectually. For if you propose to arm in concert with any foreign power, that power will answer, "What security can you give me that you will persevere in that system? You say you cannot go to war, unless your people are unanimous." If you arm to negociate against a foreign power, that power will say, "I have only to persist—the British minister may threaten, but he dare not act—he will not hazard the loss of his place by a war." A right honourable gentleman, (Mr. Dundas,) by way of excuse for withholding the papers, asked us what foreign power would negociate with an English cabinet, if their secrets were likely to be developed, and exposed to the idle curiosity of a House of Commons? "Better have no dealings with them at all," I should answer, "if the right of inquiry into every part of a negociation they think fit, and of knowing why they are to vote the money of their constituents, be denied the House of Commons." But there is something like reason why no foreign power will negociate with us, (and that a much better reason than a dread of disclosing their secrets,) in the right honourable gentleman's example. I declare, therefore, for the genius of our constitution, against the practice of his majesty's ministers: I declare that the duties of this House are, vigilance in preference to secrecy, deliberation in preference to dispatch. Sir, I have given my reasons for supporting the motion of my honourable friend; I will listen to the right honourable gentleman's defence with attention, and will retract wherever he shall prove me to be wrong.

Mr. Pitt replied to Mr. Fox. In the course of his speech he asserted, that the division in this country encouraged the temper of resistance in Russia, and that if to save expence was right, we should have done so, but unfortunately the enemy was encouraged by an opposition, who now took merit to themselves for rendering that useless which, but for their efforts, would have been attended with success. But he did not envy them their triumph; it was not a triumph over the enemies of their country, but over the council of the king. And now, as he was on the subject of triumph and of popularity, he must observe, that if he and his right honourable friend (Mr. Dundas) were to go to the capital of the empire, which opposition had thus served, certain he was, that they should not be found in any place of glory between two orators. Mr. Pitt alluded to the bust of Mr. Fox placed by the Empress of Russia between those of Demosthenes and Cicero. As soon as Mr. Pitt concluded his speech,

Mr. Fox again rose and said: — I do assure the House that I mean to confine myself strictly to explanation, having heard nothing from the right honourable gentleman to make me retract the censure, which, in my opinion, his conduct demands. But I wish the House to recollect, that when, at the beginning of the last session, I asked, for what purpose a part of the armament provided against Spain was kept up? I was told, that it arose from the situation of Europe, and was necessary for the protection of our homeward-bound West India merchantmen: but neither did I then understand, nor from any thing that fell from me, give gentlemen reason to think I understood, that force to be destined to act against Russia. The right honourable gentleman's insinuation, therefore, that I knew of, and approved the keeping up an armament to awe the empress, is totally void of foundation. With regard to what the right honourable gentleman has chosen to introduce into his speech, respecting compliments and honours conferred on me by the Empress of Russia, I am ready now and at all times to declare, that if any foreign sovereign, in friendship with this country, shall pay me the compliment to think well of me, and testify it by those marks of distinction to which the right honourable gentleman has alluded, I shall feel myself highly gratified by such distinction. With regard to Russia, it has ever been my opinion, that she was the power in Europe (I will scarcely except even Holland), with which the cultivation of reciprocal ties of friendship, both commercial and political, was most natural and of the greatest consequence to this country. For the uniformity of this opinion, Sir, I appeal to my whole conduct, whether in office or out of it. At the close of the American war, I thought Russia the power whose naval force, joined with ours,

might effectually counterbalance the united navies of the house of Bourbon. The gentlemen on the other side have opportunities of knowing to what degree I endeavoured to give effect to this opinion. When I was again in office, I refused to concur in remonstrances to the court of Petersburgh against the seizure of the Crimea. I appeal farther to the sentiments delivered by me in this House, when I added my voice to those of the right honourable gentleman's supporters, in applauding the success of the measures taken to assist the Stadtholder in 1787; when, in avowing my approbation of what was done, I gave, as my principal reason for that approbation, the option it placed in our power at that moment of forming alliances on the continent, which might render the advantages we derived from our interference permanent; and when I distinctly named Russia as one of those which it was of the highest importance to cultivate. These have ever been my sentiments, and I have seen nothing in what has recently happened to make me change them.

The question being then put on Mr. Whitbread's first resolution, viz. "That no arrangement respecting Oczakow, and its district, appears to have been capable of affecting the political or commercial interests of this country, so as to justify any hostile interference on the part of Great Britain between Russia and the Porte;" it was negatived. On the second resolution, "That the interference of Great Britain for the purpose of preventing the cession of the said fortress, and its district, to the Empress of Russia, has been wholly unsuccessful," the previous question was put and carried. On the third, "That his majesty's ministers in endeavouring, by means of an armed force, to compel the Empress of Russia to abandon her claim to Oczakow, and its district, and in continuing an armament after the object for which it was proposed had been relinquished, have been guilty of gross misconduct, tending to incur unnecessary expences, and to diminish the influence of the British nation in Europe," the House divided:

	Tellers.			*Tellers.*	
YEAS	Mr. Whitbread Mr. M. A. Taylor	116.	NOES	Mr. Rose Mr. Cawthorne	244.

So it passed in the negative.

Establishment of the Duke and Duchess of York.

March 7.

In a committee of the whole House, to consider of so much of his majesty's speech to both Houses, upon the 31st day of January last, as relates to making a suitable provision for the establishment of their royal highnesses the Duke and Duchess of York, Mr. Pitt moved, "That it is the opinion of this committee, that his majesty be enabled to grant a yearly sum or sums of money out of the consolidated fund, not exceeding, in the whole, the sum of 18,cool., to take place and be computed from the 5th of July, 1791, towards providing for the establishment of their royal highnesses the Duke and Duchess of York."

Mr. Fox said, it was not his intention to move any amendment to the resolution now proposed; but he did think that the mode of providing for his majesty's numerous family should be put on some sure and solid principle, rationally considered and well digested. He declared, that what he was now going to say on this subject was the pure effect of his own opinion, totally unconnected with any partiality, which he might be allowed naturally to feel for any branch of this illustrious family; that it was not the effect of any previous consultation, or at the desire of any person whomsoever, but was the pure sentiment he had as a member of that House, and even as an individual. He spoke of them as the princes of this country, of whom he knew no more than of those who were princes one hundred years ago. Feeling the blessings of our excellent constitution, and rejoicing that monarchy made so essential a part of it, he was of opinion, that a handsome revenue should be provided for the prince on the throne, and for every branch of the royal family. He declared he thought, that except in an extreme case indeed, propositions of that nature should always come to that House from the crown, as the present proposition did, and that he was not of opinion, that the children of the sovereign should be completely independent of the crown, but that the king's civil list should be given with a view to enable his majesty to make such provision as the nature of the case might require.

Another consideration which determined his opinion, and which he submitted to the committee, was the particular situation of the princes of the blood in this country, not only when provision was made for them from father to son, as was the

case here, but when the relationship to the crown should happen to be more distant. It must be allowed, that in either case they ought to have considerable power, and that they were placed in a hard state indeed, when they were to depend for support entirely on the will of the crown, and be thus totally under its direction.

With respect to provision for the princes of the blood, the first question, when application was made to parliament, would naturally be — Is the civil list inadequate to the purposes of fully maintaining and supporting them? He presumed it was not, or they would not hear of any motion of this kind. The House should make up their opinion on this point before they determined on measures of this nature. If the civil list was not adequate, and if the care and control of the maintenance of the princes should be vested in his majesty, then the civil list ought to be augmented and made adequate to that purpose. He thought that in this case some line ought to be drawn, and some solid principle adopted. The whole, as the case would now stand, would be entirely at the mercy of the crown, whatever sums of money the public might be called on to pay. The whole in this case, as proposed by the resolution before the committee, was a mere annuity. Now, in what situation were the princes placed? A prince arrives of age and marries; he is to have an establishment for his family, for which purpose we give him nothing but a mere annuity. He believed that the most narrow in their way of thinking, and the most rigid economists, would allow that a town residence was necessary for his royal highness, and that a splendid one, and also that he should have a house in the country. What was the case here? The Duke of York was to have a sum of money by way of annuity, and that was all. What was he to have for fitting up his dwelling? What sum of money was he to set off with? Parliament gave him a certain sum by way of income, and might say it was sufficient. True; but then they left him to provide the means of beginning life as he could. How was he to raise money for this purpose? The only property he had by this resolution was an annuity, on which he would be compelled to raise money. Was this the proper way to make provision for a prince? Those who thought they made in this way a suitable provision had not sufficiently reflected on the subject; they had not thought how difficult it would be for his royal highness to raise money on this annuity. In order to do so, perhaps, he would be obliged to sell it at ten years' purchase. What was the conclusion from all this? Why, that the sum granted was not granted in the right way. A certain sum of money should be first granted to his royal highness to begin the world with, and

afterwards something further should be given to him by way of annuity. As it now stood, for aught parliament could know, this annuity might be either too much or too little. He should therefore wish that the House would lay down some principle by which, whenever they meant to provide for any of the royal family, they might know in fact what sort of provision they really gave: here the House knew not what would be the real extent of the provision. His royal highness was put into a situation in which he knew not how to act. Suppose, for instance, in the fitting up of his town residence, a sum of 40,000l. were wanted—a sum, considering all things, the splendour of his station, and the price of necessary articles, by no means out of bounds in point of expence—how was his royal highness to raise this money? By applying to persons who make a property of young men of fashion when they lend them money. This was fairly throwing his royal highness into the way of temptation—it was putting it out of his power to be discreet and economical—it was not what parliament ought to do. They allowed the propriety of the marriage of the Duke of York; the king approved of it—the public were said to be satisfied with it. In these circumstances care should have been taken, that what was granted should be comfortably enjoyed. How could that be done? By allowing a certain sum for his royal highness to commence his establishment. This could be done without increasing the real expence to the public. The annuity might be lessened, if the committee thought fit, for the purpose of allowing his royal highness this sum of money; for his part, he thought the income by no means too much. However unpopular the doctrine might be, he was ready to confess that he thought there should be a sum of money voted immediately, besides this annuity. Another point as to the marriage; supposing it to produce what was generally called in their addresses "additional security to the protestant succession"—the children would be left completely and totally without any provision whatever—they would be left totally dependant on the will of the crown, or dependant on the will of parliament. He did not approve of the practice which subjected these princes to perpetual application to parliament, without any thing like a principle to govern these applications. There should be provision for the issue of this family. Here they were placed in a worse situation than any private family in England. Either the immediate descendants from the throne at least should be provided for by a resolution of that House, or by the civil list; and if the civil list was not equal to that end, it should be made so. His majesty had five sons, all of them now nearly of age. They had hitherto been provided for from the civil

list. If the civil list was equal to their support, it was more than enough before that expence was incurred. All that he wished was, that the House should adopt some principle in that respect, and not allow these things to remain for ever vague and indefinite. Hard, indeed, would the case be of those branches of the family, who were immediately descended from the throne; they would not have even the same claim of natural affection to assistance from the civil list, and must wait the temper and caprice of parliament. As to the case of their royal highnesses the Duke and Duchess of York, it must be allowed to be totally uncertain. It depended not on their own prudence, but on the will of others. It was not an annuity on which money could be said to be sure of being raised, even after it was voted. Not a shilling of it was vested actually in his royal highness; it was not what he could convey. Money advanced on it would be only personal credit. Men of reputation would not like to deal on it — for it was a vote for money to enable his majesty to provide a suitable establishment for their royal highnesses the Duke and Duchess of York — not a shilling of it actually under the controul of the Duke of York. These points struck him forcibly. Perhaps he should be asked, why he did not move an amendment to this resolution. He had various reasons. He wished all these matters to originate with the throne. He wished also that what came from thence in that respect, should be unanimously assented to in that House. He rather threw these observations out as hints of what he would wish to see hereafter. He hoped the time would soon arrive when some provision would be made for these things upon a sound and rational principle; that the public might fairly see the amount of the expence they were to be at, on account of the whole family, and that when an annuity was given it should be correspondent with a splendid establishment; and above all, that when provision was made for any of his majesty's illustrious family, the splendour of their station should not be contrasted with the dependant state in which they were to ask for support. He should move nothing on the subject; he stated these things merely from his own opinion, upon a point on which he thought the public mind was in some degree interested.

In reply to some observations thrown out by Sir James Johnstone, Mr. M. Montagu, Sir William Dolben and others, respecting the revenue arising from the bishopric of Osnaburgh,

Mr. Fox said, that it having been so totally unusual to consider any thing belonging to princes out of this kingdom,

it had never even been mentioned. Not a word was ever said of his majesty's revenue from Hanover; it was never even thought of in the discussion of his majesty's revenue, on his different applications to parliament for support. If Hanover was never mentioned, why should Osnaburgh be mentioned as belonging to the Duke of York? The House never yet inquired into these points; if they should inquire, the result would be, that the subject was not worth the inquiry. Because we had no means of having either accurate or authentic information, the House should not inquire at all. As to the income which his royal highness received from Osnaburgh, nothing could be a stronger reason for putting it entirely out of the question than what had been stated by those very gentlemen who introduced it; they had clearly shewn how little they knew of the matter, one having stated it at 5,000l. another at 12,000l. and a third at 35,000l. per annum; and while such a difference as that between 5,000l. and 35,000l. existed in that House, he could not do them the injustice to think that those honourable gentlemen would wish the committee to form any judgment on what was so vaguely stated. Independent of this, another circumstance weighed with him, and he was sure with the committee, which must determine them not to say another word about Osnaburgh. The House he knew, and the country he knew, were too proud to say that they would take from the subjects of Hanover, or the subjects of Osnaburgh, a paltry sum for the purpose of maintaining either the King of Great Britain, or any branch of his illustrious family. He did not pretend to know what his majesty received as elector of Hanover, or the Duke of York as bishop of Osnaburgh; indeed, he never had made it a subject of inquiry in that House, and he trusted it never would be made a subject of inquiry; whatever it was, he thought it but fair, that the greater part of it should be spent in those countries; nor would it be a pleasant reflection to this country or that House, to think, that in the moment of their greatest and boasted prosperity, they were obliged to call upon the peasants of Germany to assist them in providing an establishment for the royal family of Great Britain.

There was another point upon which he wished that the House could be more fully informed than they really were, and that was, the unavoidable deductions that must be made from the allowances granted to the princes; or in other words, the necessary expences of the establishments, which would, if known, clearly shew how little of the sum granted they actually had it in their power to spend. He put this point very strongly, both with regard to the Prince of Wales and the other princes; stating, that he believed there would not

be found one man in that House so unaccommodating to the modes and even fashions of the times, as not to see the necessity of having ladies and gentlemen of high rank and character, in the situation of attendants upon those royal personages, and the expence that followed such establishments. He never had been one who wished to take from the splendor of monarchy; and while monarchy was, very properly, the favourite system of our constitution, it was impossible to contend for that equality among all ranks, which prevails in a simple republic. With regard to the principle, he wished it might be a principle to provide as liberally for the other branches of the royal family, when in similar situations with the Duke of York. To those who thought otherwise, he asked, if they were sorry for the flourishing increase of his majesty's family and the Brunswick line, or if they regretted that so many of them arrived at years of maturity? Certainly, if this was the case, they acted most hypocritically, for scarce a year had passed that they had not carried up the most fervent congratulatory addresses to the throne upon the birth of another prince or princess.

As the Prince of Wales's name had been mentioned, he would just say a few words respecting his income, which he contended was proportionably much less than any of the younger branches of the family, much less than that of former princes of Wales, and perfectly inadequate to the expences of his establishment. He said, that George, Prince of Wales, afterwards George the Second, had 100,000l. per annum, and Frederick, Prince of Wales, had likewise for some part of his life 100,000l., and that he had not always so large a sum, was a circumstance of regret, and occasioned consequences that would reflect honour on no part of the country or government. He added, that the Prince of Wales was the only part of the family that had received no increase to his income; the privy purse in the mean time had been increased from 60001. to 60,000l., and the civil list from 600,000l. to 900,000l.

The resolution was agreed to, as was also the following, "That a sum of 8000l. per annum be settled on her royal highness the Duchess of York, in case her royal highness should survive his royal highness the Duke of York, to be issuing and payable out of the consolidated fund."

COMPLAINT AGAINST MR. GEORGE ROSE FOR ABUSES COMMITTED AT THE WESTMINSTER ELECTION.

March 13.

IN the summer of 1791 Mr. George Rose, secretary of the treasury, had been prosecuted in a court of law by a publican in Westminster, of the name of Smith. From some incidents in that trial, an application was made to the House of Commons, on the 13th of March, for an inquiry into the conduct of Mr. Rose. It was stated by Mr. Thompson, who made the motion, that from the evidence produced on that trial, Mr. Rose had unduly interfered in the late election of a member for Westminster. Mr. Smith had been fined 50l. for an offence against the excise laws; but for services done in the business of that election, part of that fine was remitted to him through the intercession of Mr. Rose. In proof of this, Mr. Thompson mentioned the particulars of a conversation between Mr. Rose and that publican, who was employed by the former in that election; in consideration of which, a jury had given a verdict for him to the full amount of his bill. Mr. Thompson enlarged on the heinousness of such conduct in a secretary of the treasury, and on the injury the public must sustain from this employment of their money, in forwarding the very worst of corruption, the purchasing of votes for the iniquitous purpose of packing a parliament. Mr. Thompson said he had made this accusation. He was ready to support it by proof. The honourable gentleman had asserted his innocence. Let the House grant the inquiry, and the subject would be properly investigated. "I have," said Mr. Thompson, "put George Rose, Esq. fairly upon his trial; and God send him a good deliverance!" He then moved, "That the House should resolve itself into a committee of the whole House, to enquire into all abuses committed by persons in office, at the election of a member to serve in parliament for the city of Westminster in July 1788, as far as the same relates to penalties incurred under the excise laws or lottery act." The motion was supported by Mr. Lambton, who stated another transaction of the same nature. One Hoskins being at that time in prison for trespassing against the lottery act, informed the solicitor for that department, that he would, on condition of being admitted to bail, procure fifty or sixty votes for Lord Hood. The man's request being granted, he produced such individuals for his bail, that although they came recommended by the solicitor, so wretched was their appearance, that they were rejected. Means, however, being found to get their bail accepted, Hoskins kept his promise, and procured sixty voters for Lord Hood: since which, no mention had been made of Hoskins or his bail. The defence made by Mr. Rose was, that Smith had been fined for brewing small beer for the use of his own family: the vestry of his parish had consented to remit their share of the penalty; but the board to which

Mr. Rose had referred his petition for a like indulgence, refused it; a sufficient proof how unavailing his own interposition had proved. It was acknowledged at the same time by Mr. Rose, that during the last general election, Smith had proposed to open his house; and informed him that he could discover a great number of illegal votes given for Lord Townshend. On Mr. Rose's assent, Smith detected the illegal voters, and applied for a reward to Mr. Rose, who referred him to Lord Hood's committee; this not satisfying Smith, he sued Mr. Rose in a court of law, and obtained his cause. This defence not being satisfactory to the supporters of the motion, Mr. Grey produced a letter from Mr. Rose to Smith, inviting him to his house, in order to meet Mr. Vivian, the solicitor to the excise, on the business in question; a circumstance, it was insisted, that shewed that he had interested himself in this affair more than he was willing to acknowledge.

Mr. Fox said, it appeared to him that the honourable gentleman who had brought this subject forward, had stated ground sufficient for an inquiry into the case. The question was, whether such interference had taken place, on the part of the ministers, as had been stated — or whether, upon the stated interference, there was ground for inquiry? To this it was objected, that the charges were false. Then it was replied, — "We can prove all this by papers we shall lay upon your table — we can prove this beyond dispute by oral testimony — we can prove the whole of our allegation. We can prove first, that some how or other this man got out of prison. We can prove that having done so, he polled for Lord Hood. We can prove that he was detained for 700*l.* on a charge of having incurred the penalty of the lottery act — we can prove that he came out by sham bail — we can prove that all this is traced to the authority of gentlemen in office — that it was under the inspection of the solicitor of the lottery." What then followed? That the House should pronounce a minister guilty? No! Only that they should inquire. The whole of this would be produced in evidence. It would be produced in evidence, that an application was made to the solicitor on behalf of this very man; nay, by himself, to the solicitor of the lottery, stating the cause of his confinement, and stipulating the condition of his release; that sham bail was proposed to be offered; and that the solicitor said he must consult others from whom he received his authority. Something more, that Lord Hood had actually paid his attorney's bill, in which was contained an item for the expence of conducting this very act, for procuring bail, and effecting the discharge of this very person! Was this not enough to induce the House to enter on an enquiry? A man in prison for the sum of 700*l.* under a penal statute, to be

discharged on condition of serving an election candidate, by the worst of all means — perjury and corruption! The bare suspicion of this ought to make a man impatient for an opportunity of making his defence. Why, then, not go into the committee? The other part of the charge which applied to the honourable secretary, met with a curious reception from that honourable gentleman. He said, that his conduct was plain and above-board. If so, why refuse to inquire into it? What was there to fear if his conduct was fair? The note sent by Mr. Rose to Mr. Smith was, that Mr. Rose wished to see him on the next morning, and stating that he had some business to settle with him, and that if he came, he would have an opportunity of meeting Mr. Cholmondeley. Was this introducing them to each other pure matter of civility? Had the honourable secretary no other use for his house? Was there to be no conversation on the excise fine? Was it probable, that being left with each other, without a third person, for the secretary was not there, Smith would not have mentioned the fine which he had been ordered to pay? Pure civility this, no doubt! This was, in his opinion, a strong instance in which the House were called upon to interfere.

Another circumstance came to his mind, which was, that the honourable secretary had observed that he must admire the credulity of gentlemen who believed what they had heard on the subject of the excise fine, or that Smith's demand upon the honourable secretary was just. He was of opinion there was nothing due, or he would not have resisted the demand. It was his constant practice never to suffer any person to call twice for one just demand. All this might be very true, but the answer to it was, that the jury to whom this case was referred decided otherwise. The House had the assertion of the secretary of the treasury against the solemn decision of the jury. In the opinion of the jury, the honourable gentleman, notwithstanding his knowledge, was mistaken. In the proof which Mr. Smith had to adduce he was mistaken. In the proof that was to be given against him on this subject, he pretended to have complete knowledge. Whether he had better acquaintance with the disposition of that House than he had with the integrity of the jury, he knew not; but he must think it would be unfortunate for this country if he could control its decision. If he could not, the proofs he had given of his sagacity in the former case, gave him no great pretension to be regarded for prophetic powers that would supersede the necessity of inquiry in that House, by anticipating the effect. Upon this trial evidence was given, that something in the nature of a remission of a fine was made from Mr. Rose to Mr. Smith. No such thing, says Mr.

Rose. What, then, should the House say — Yes, or No? Neither. Let us inquire, was the only answer they could honestly make.

As to the solicitor of the lottery, and the supposition that gentlemen in office could not be deemed responsible for any act of his, supposing that he had consented to the escape of the person out of the King's Bench, or for the remission of the fine from the board of excise, supposing that to have taken place, he was far from allowing this doctrine to be right. He rather thought that a certain degree of responsibility should attach to them for the negligence of their inferiors, because it was their duty to inquire into their conduct, and to prevent such enormous abuses. At all events, that House should inquire into the abuse, and fix the censure where it was due.

He had observed, that all that had been said on the other side against the claim of Mr. Smith was, that generally speaking, he was a bad man; from whence they of course deduced that he ought not to have been paid. If he was of that description, he had better fortune than attended the wicked in general, for over the persons with whom he contended he had obtained a victory. With one honourable gentleman he had a bill; it was said to be an unjust one, but he paid it for the purpose of avoiding litigation. With another he had a bill, but that was not paid to avoid, but in consequence of, litigation. Possibly Mr. Smith was a rogue in all his claims, yet an English jury thought him right in one of them, for they gave him a verdict to the amount of his whole bill. It might be, that the jury were wrong, but as they had decided upon their oaths one way, and the secretary to the treasury was placed in another, the least the House could do would be to institute an inquiry. Courts of law in general refused to hear a man's own evidence in his own cause; but if this committee was refused, the House would not only admit the secretary to the treasury to be heard in his own cause, but would believe his assertion in support of his own innocence, in preference to the verdict of a jury.

As to the point of precedent for this, he would maintain, that it was most clearly in favour of the motion. So much had the House favoured inquiries, that they had voted for them in cases where there was but little prospect of success, and where ultimately the inquiries ended in nothing. He alluded to the inquiry obtained by Mr. Shove, upon the case of Queenborough, and of Mr. Luttrell, who had charged the minister, Lord North, with mal-practices with regard to the borough of Milbourn Port. These things he instanced, as proofs of the general spirit the House had for inquiry, in similar cases

of abuse. He argued, that if disposed towards it here, there was no room for the opponents of the motion to say, this inquiry is not proper, because you have not made out a case to entitle you to a hearing. The fact was not so; for the case, supposing it to be true, would be an alarming charge. Of the truth, or falsehood of it, the House could not judge without inquiry; he would venture to say, he knew there would be evidence of what was charged. He concluded with declaring, that he saw fair ground for criminality in this case, and therefore found it his duty to vote for the motion.

The motion for the enquiry was also supported by Mr. Grey, Mr. M. A. Taylor, Mr. Whitbread, and Mr. Windham; and opposed by Mr. Pitt, the Attorney General, Mr. Yorke, and Mr. Serjeant Watson. The House divided:

	Tellers.			*Tellers.*	
YEAS	Mr. Lambton Mr. M. A. Taylor	84.	NOES	Colonel Phipps Mr. S. Watson	221.

So it passed in the negative.

WAR IN INDIA WITH TIPPOO SULTAN.

March 28.

ON the 15th of March, Major Maitland moved various resolutions on the war in India, tending to reprobate it as unjustifiable, and as the result of a design planned, previously to any occasion for hostilities, for the utter destruction of Tippoo Sultan. After several of the resolutions had been negatived, the major moved, "That it appears, from the military consultations, 12th August 1788, that the object which the Madras government had in view, by sending a military force to the Travancore country, was to have them stationed in the place from whence they could, with the greatest ease and expedition, invade Tippoo's dominions." Upon this, an amendment was proposed, by adding at the end thereof the words "in case such operations should be rendered necessary by the aggression of the latter against Travancore, which there was, at that time, strong reason to apprehend." The debate upon this amendment was adjourned to the 28th, when the motion as amended, was agreed to without a division. After which, Colonel Phipps moved, "That it appears, that the agreement entered into by Lord Cornwallis with the Nizam, in his letter of the 7th July 1789, the establishing a military post in the Travancore country, and the carrying on war against Tippoo, in consequence of his unprovoked aggression, are consonant to the wise, moderate, and politic views established by the parliament of Great

Britain, as the rule of conduct to be observed in the British settlements in India."

Mr. Fox said, he should have had no desire to trouble the House that evening, but for the motion which had just been made by an honourable gentleman; a motion not less improper, in his opinion, than unexpected. He therefore, instead of allowing it to pass in silence, felt it his duty to enter his solemn protest against it, in substance as well as in form. As to the ambiguity, which it had been said his honourable friend had availed himself of, he must observe, that all ambiguity was now done away, because the honourable mover had completely explained the extent to which he wished it to go, and that, he believed, was a greater length than any House of Commons could very readily consent to. An honourable friend of his had very properly asked, whether the approbation it contained was meant to apply to the origin and commencement of the war, or to the carrying on and continuance of it? On this point the House had been told, that it was meant as a complete approbation of every thing respecting the war, from its origin to the present moment; no one could suppose, that he meant the moment he was now speaking, but down to the date of the last information that was received. Now he would ask, if there was either reason, common sense, or honesty, in passing a vote of approbation, not only of the origin and conduct of the war, as far as they were informed of it, but of the continuance of a war, which at best must be destructive and ruinous in its consequences, when they knew that terms of peace had been offered, but on all hands confessed, that they were perfectly and completely ignorant of what those terms were? One honourable gentleman had reasoned in a strange manner, when he allowed that terms had been offered, but as they had not been accepted, they must have been bad terms. He would appeal to any man, if this was a rational or a becoming way for that House to reason; or rather, he would declare, that notwithstanding all the great stretches of ministerial confidence that had become so new-fangled and fashionable a mode of argument, it could not possibly have been extended to a greater length than was now attempted.

He held the same opinions now that he had always done upon this war; and would ever protest most solemnly against it, both in its origin and continuance, as unjust, impolitic, and extravagant; and whatever respect might be due to the honourable mover's opinions on other subjects, he could not help laying great stress upon the authority of the noble earl himself, who had conducted the war; and he insisted, that

the noble earl's opinions, expressed unequivocally in his letters, bore him out in the judgment he had formed and stated to that House, whenever he mentioned either the progress or possible result of the war. He would put entirely out of the question all that had been said about the chief of Chereca, the detention and bondage of our prisoners, and the hostile and turbulent disposition of Tippoo towards this country, for some time back, which had been much enlarged upon by the honourable mover, though he could not see that they had much to do with the question before the House. But, when he recurred to the same high authority he had before mentioned, he found that no such disposition existed as that with which Tippoo was so often charged; and finding this to be the case, how could he listen to the charges of infraction of treaties so commonly alledged against him, more especially when the House and the country were acquainted with the annual declaration which the right honourable gentleman who was minister for Indian affairs had so often delivered in that House, that there was every appearance of peace being established on a permanent basis, and no likelihood of its being interrupted in those regions? If this were true, how were they to reconcile that declaration with the account now given, that Tippoo had been daily infringing on us and our allies, and had been doing so in some way or other for a considerable time? But ministers could not, he was sure, continue to use those arguments; nor if they did, would it add much either to their credit or their popularity. As to the forts of Iacotah and Cranganore, that subject had been very fully argued last year, and he would not go over the same ground again, farther than as they might be stated as the origin of the war.

Now, let us examine how we can possibly convert the result of this purchase of the rajah of Travancore from the Dutch, into an aggression on the part of Tippoo against our ally, which ought to have involved us in a war on pretence of a defensive treaty with the rajah. In what manner was the rajah our ally? Was he in the same light as Prussia or the United States? Certainly not. We stood exactly upon the footing of a simple general guarantee to the rajah against any attack that Tippoo might make upon him. But Tippoo had made no attack whatever upon the Travancore country. On the contrary, the rajah had actually agreed with the Dutch for those forts, and Tippoo then, indeed, began to form some apprehensions that the rajah and the Dutch were laying their heads together for no good purpose towards him. It was, therefore, natural for him to be put upon his guard; but still nothing was done on his part, that ought to have provoked our interference, or involved us in a war: therefore,

not having just grounds for our proceedings, which were certainly very unlike pacific measures, we had recourse to a shuffling and disgraceful manœuvre, by pretending to defend our ally against the hostile preparations which Tippoo, in consequence of this purchase, found it necessary to make for his own defence, and for the purpose of an attack upon the rajah of Travancore. That some such manœuvre was practised, seemed to have been the opinion even of Mr. Powney. If this was the case, our conduct was as unnecessary and unjust, as it was unprovoked and inexpedient; and, indeed, if the reverse was not absolutely true, and there was no information that could lead us to think it was, did we not expose ourselves, in the eyes of all the world, as dupes—most ridiculous dupes—to the Dutch, in this business? In all that he had argued on this point, he was borne through by the reasoning of Lord Cornwallis himself, in the papers on the table, which completely admitted and supported the statement he had given.

The next question came to be, whether the Dutch had a right to sell, or the rajah to buy, those forts? But, however that point might stand, he contended, when a power, with whom we had a simple defensive alliance, chose to make any purchase from another power, without consulting us, or rather in direct contradiction to our wishes, we were in no ways bound to enter into any dispute, or involve ourselves in any war, that might be the consequence of that purchase. Could any man of common sense think otherwise? Could such a doctrine be admitted in Europe? Certainly it never could. The case of Gibraltar had been stated on a former day and he would state another case. Would any man, he said, pretend, if France had a defensive ally, and had purchased the Austrian Netherlands, that this country and the United States would not justly take the alarm, and attack France? If a defensive alliance was considered as extending farther than the defence of the natural and proper dominions of the prince with whom such alliance was made, better he should say, would it be for any country never to enter into any defensive alliance. If the King of Prussia, for instance, had bought Oczakow of the Turks, would it have been thought by this country a fit ground for us to go to war with Russia? Mr. Fox reasoned as to Lord Cornwallis's letter to the nizam, and contended that the division of Tippoo's territory therein stated, was a sufficient indication of hostile intentions on the part of Lord Cornwallis. If this country were to know, that France, in concert with Spain, had projected a division of the possessions of Great Britain in the West Indies, had given Jamaica in contemplation to Spain, and had in like manner de-

termined to dispose of the other islands, would this country, he asked, bear such an insult? Most certainly we would think it a just cause of war. Why, then, were we to expect that Tippoo would look on Lord Cornwallis's letter to the nizam in a more favourable point of view? The rajah of Travancore had got the forts, the nizam was to have his chout, and the Mahrattas their peshcush; and this was a point, which, though our allies did not wish to stipulate for, yet our regard for them made us insist upon. As if we had a greater regard for their interests than they themselves had! With respect to the treaties of 1766 and 1768, he considered the revival of them as more insulting, than if we had entered into a new treaty. He repeated, what was evidently Lord Cornwallis's opinion of the war, that however successful, it must be attended with ruinous consequences to the company's finances. He reprobated the acquisition of territory, as a cause of war; and likewise the idea, that this was the proper time to take advantage of Tippoo Sultan's situation in order to crush his power, when his ally, the French, were unable to assist him. With regard to what had been said as to prisoners detained by Tippoo, that alone, if true, was a just and proper cause for going to war; but whether the facts were exaggerated, or not, he could not say. However, if true, they should have been avenged long ago. Revenge for injuries long past was a cause of war which he never would accede to; there were some, indeed, who thought that

"A brave revenge could never come too late,"

but it was a sentiment altogether unworthy of a great nation. The violence of passion, and the infirmities of our nature, made individuals seek revenge; but, though an individual might be guided by prejudice and violence of temper, it became a great nation to be led by principle, and not by passion. Revenge, which in the case of an individual, could only be extenuated as proceeding from a sudden impulse, in the case of a whole people, was altogether unjustifiable. If the principle of private revenge was contemptible and detestable, public revenge was certainly much more so.

As to the policy of the war, he had always argued against it at the outset, but still more against its continuance, particularly as it was known that terms of peace had been offered, and rejected, though they who were about to vote their approbation of carrying on this war were totally ignorant of what those terms were. His honourable friend had been asked, why he did not bring forward his other motion? But while all farther information was withheld, it would have been improper for him to have done it. He was pleased that in some

degree, the measure had been debated that evening without introducing the characters of individuals, which was right, though in all former debates on this subject, whenever blame was imputed to the measure, it had been opposed upon the ground of character, which formed no defence, and was a very unfair mode of arguing. He wished to put a question to ministers at home, and to ask where the orders came from? He did not talk of Lord Cornwallis. Why need he, when ministers of the India board here took responsibility to themselves? And no man in that House, or out of it, who knew his temper, or disposition, would attribute to him any wish or inclination to attack absent generals or absent ministers, who had no opportunity of defending themselves; it was therefore to those at home that he addressed himself.

Having said thus much, he thought himself entitled to make some observations upon the noble earl's situation, which he always had thought, and of late more than ever, was a situation in which no man, however high his character, if possessed of all the talents and abilities that a mortal could enjoy, ought to be placed; and to this situation, over which there was no control whatever of any kind, he imputed the concealment of the terms that had been offered for a peace with Tippoo; and until they were known no man in that House, or in the country, could approve of continuing the war. He gave it as his decided opinion, that when Lord Cornwallis took the field, there ought to have been a civil government established at Bengal, and another at Madras. He did not mean that there was no government there, but that there ought to have been a government, with effectual powers, to judge of the progress of the war, and to which those who conducted it might have been responsible. The union of the civil and military powers in one man, responsible to no other power in the country where he acted, he would always condemn as dangerous, and would declare, that whoever was invested with it, was possessed of a power infinitely too great to be entrusted to any mortal. It tended to corrupt the mind, and render it unequal to those exertions which it might, in other situations, be capable to perform. Upon all these grounds, he would only add, that his duty to his constituents, and the people of England, led him to express his opposition to the motion, which, as so much had already been said on the subject, he would not press farther upon the House.

The motion was agreed to without a division.

Abolition of the Slave Trade.

April 2.

On the 2d of April, the House resolved itself into a committee of the whole House, on the African Slave Trade, at the instance of Mr. Wilberforce, who moved, at the close of a most able speech, "That it is the opinion of this committee, that the trade carried on by British subjects, for the purpose of procuring slaves from Africa, ought to be abolished," Mr. Wilberforce declared, that from his exertions in this cause he had found happiness, though not hitherto success. It had enlivened his waking, and soothed his evening hours; that he carried the topic with him to his repose, and often had the bliss of remembering that he had demanded justice for millions who could not ask it for themselves.—"Africa! Africa!" exclaimed Mr. Wilberforce, "your sufferings have been the theme that has arrested and engages my heart—your sufferings no tongue can express; no language impart!" It was the restoration of these poor distressed people to their rights that he had nearest at heart. There he laid hold of his point; a point which he would never abandon, until he had obtained his object; and to be entitled to it, he had made out a case so clear, so plain, so forcible, so just, so irrefragable, that he was confident there was not one person, even among those who wished well to the trade, who would deny the truth of his assertion. If he carried his motion, he should follow it up by another, "That the chairman be directed to move the House for leave to bring in a bill for the abolition of the slave trade."—Mr. Bailey, Mr. Vaughan, Mr. Jenkinson, and Colonel Tarleton, opposed the motion, and asserted the propriety of the slave trade, from a variety of considerations: it had been long authorized, they maintained, by the British legislature, as indispensably necessary for the preservation of the islands. The evidence that had been produced against it, was partial and ill founded. Were it to be abolished, the nation would be a loser annually, by the diminution of six millions taken from the worth of manufactures exported, and of shipping constructed. This country was not, therefore, to be exposed to such a calamity, in compliance with petitions, which, however numerous, proceeded mostly from inexperienced individuals, many of whom were raw youths, and persons compelled by indigence to set their names to them, in hope of reward.—The motion was warmly supported by Mr. Henry Thornton, Mr. Montagu, Mr. Whitbread, and Mr. Pitt. Mr. Whitbread particularly distinguished himself by the energy and animation of his remarks. It was the necessary quality of despotism, he said, to corrupt and vitiate the heart; and the moral evils of this system were still more to be dreaded than the political. No mildness in practice could make that to be right which was fundamentally wrong. Nothing

could make him give his assent to the original sin of delivering man over to the despotism of man. It was too degrading to see, not the produce of human labour, but man himself, made the object of trade. In the sale of plantations, slaves were occasionally mentioned as "damaged goods;" an expression so degrading, proved, at the same time, how ill they had been treated, how exhausted and worn down by hard toil, and its natural effects, sickness and infirmities. — Mr. Dundas, who had recently been advanced to the office of secretary of state by the resignation of the Duke of Leeds, after a speech recommending to the House the adoption of a middle and moderate plan, such as would reconcile the interests of the West India islands with the eventual abolition of the trade, moved, that the word "gradual" might be inserted before "abolition." — The speaker, Mr. Addington, coincided with this idea, from a persuasion that there did not now exist a sufficient stock of negroes to form the basis of such a population as the islands required for their due cultivation. The trade ought, for that reason, he said, to be permitted for the space of about ten years; and receive, at the same time, such additional regulations as might prove satisfactory to those who demanded an abolition. One regulation appeared to him indispensable. This was to require greater duties on the proportion of males than of females. Another regulation seemed no less beneficial than humane. To make donations of money, or of lands, to those who should bring up a certain number of children; and to grant liberal rewards to those who invented or improved implements of husbandry. He could not in policy vote for the direct abolition of the trade in question; but hoped in the mean time that such prudent means would be proposed, as both himself and others who sought a due medium, would readily approve.

Mr. Fox declared, that, although what had been said by one right honourable gentleman must carry with it more weight than any thing he could offer on the subject, yet he had heard it with infinite uneasiness instead of any satisfaction, and he could not but observe, that he had never felt a more severe, nay, he might say, a more efficacious resistance to his honourable friend's motion. Without questioning the sincerity of the right honourable gentleman, something had been said so much more mischievous, and something so much more like a foundation had been laid, not only for permitting for years to come, but suffering that detestable traffic to continue perhaps for ever, that he could not but plainly state the grounds upon which he acted in a business so truly important. He deprecated, in strong terms, every deception and delusion upon the country; and he conceived that to be delusive and deceptive, though perhaps not meant to be so, which prevented the committee from seeing the business in its true light; from seeing what alone was and must be the question — Whether

that execrable traffic, the slave trade, was fit to be continued, or ought to be abolished? The two right honourable gentlemen who spoke last called themselves "moderate men;" but he neither felt nor wished to feel any thing like moderation upon this subject. He considered the idea of continuing the slave trade as nothing else than an idea of continuing the encouragement of the crimes of robbery and murder, and those under circumstances of perpetration the most flagitious and atrocious. The mention of moderation in the case before them, reminded him of a passage in Middleton's life of Cicero; the translation, though deficient, was equally applicable to his present purpose; the passage was, "to break open a man's house and kill him, his wife and family in the night, is certainly a most heinous crime, and deserving of death, but even this may be done with moderation." If any idea could be more absurd than that which he had just mentioned, it was that of the slave trade being carried on in moderation. If to break into a single house, and rob and murder a single man, could not be done in moderation, with what moderation could a whole country be pillaged and destroyed? He never could consider the question as one of simple justice: it was, he said, only whether they should authorise by law, respecting Africa, the commission of crimes, for which in this country they would be liable to incur the severest penalties, and even to forfeit their lives in the most ignominious manner? Bad as was the proposition, he should have liked it better had it been more specific. Mr. Fox noticed the terms in which the trade had been reprehended by the two last right honourable gentlemen who had spoken, and asked, where was the proof that they would ever vote for the abolition it? He challenged them to produce arguments in support of the traffic, if any could be urged in support of a traffic so execrable, and to shew how a law could be tolerated, which was diametrically opposite to all law whatever? For his part, he was equally an enemy to all their regulations — regulations as disgraceful as they would be impotent! The right honourable gentleman who led the way in this new plan of moderation, proposed that hereditary slavery should be abolished. But the mode was curious: the child was to be free born, instructed in the principles of freedom, for he was to be instructed in the duties of religion, which inculcated a rational freedom, and when these principles might be supposed to have taken root, he was to pay for those principles by becoming a slave. Such were the charms of liberty, that the very idea of attaining it one day or other sweetened the nauseous draught of slavery. But that a person should purchase slavery at the expence of freedom, was inverting the order of things indeed!

The other right honourable gentleman (the Speaker) proposed, that a premium should be allowed for the transportation of females. Was the kidnapper to be encouraged to lay the snare for the unsuspecting maid, to snatch her from the arms of her lover, or her parents, or to transfer the mother from the embraces of her spouse to the arms of him between whom there could be no attachment, but that sympathy which arose from captivity? He should like to see the clause by which this inhuman measure was to be presented to the parliament of England. He should like to see the man with a mind capable of conceiving words to frame such a clause. Was there a gentleman in the House bold enough to support it? For the honour of parliament, he hoped that there was no such man.

When he considered, that the present was not a question of moderation, but of justice, he expressed his surprise that gentlemen should entertain the smallest hesitation. The right honourable the Speaker had, very laudably, reprobated the trade with the utmost abhorrence; but had, nevertheless, refused to support the original motion. Did the vote to which they were called pledge them to any particular system of abolition? No. Then why not pass the resolution now, and object to and amend any future motion?

Mr. Fox exposed in the same masterly way the regulations of Mr. Dundas, who wished to begin by emancipation, instead of abolishing the trade: who called a mere regulation of trade an invasion of property; and who himself proposed the very extinction of that property in the first instance. One honourable gentleman — the only one who had acted with fairness on that side — had declared, that he resisted those who condemned the trade, and that he thought that it ought to go on. In fact, those who had spoken most directly against the abolition, had conceded in substance, though not perhaps in words, as much as those who were for gradually abolishing the trade. One honourable gentleman had declared it to be his intention gradually to abolish it, by meliorating the state of the negroes, and thus rendering it unnecessary. The honourable mover of the business, however, had said, with much more wisdom and practicability, "I will gradually produce the abolition of slavery, by immediately abolishing the trade. I will continue to promote my plan, till the object shall be accomplished." With respect to infringement of private property, they surely, Mr. Fox said, might prohibit the commission of crimes without thereby being chargeable with taking away the property of the West Indians, which certainly it was not their intention to do. He condemned and ridiculed the idea of the children

of slaves being born free, and then serving ten or fifteen years to requite their masters for the expence of their education, and after that becoming free in fact. Could any man imagine, that a person was better qualified to enjoy freedom after a servitude of so long a period, than if he had continued free from his birth?

"Oh! but," say the advocates for continuing the trade, "we do not mean to urge the question chiefly on these grounds. We talk of the impolicy of renouncing the measure, when it will immediately be adopted by some other European power." With respect to the probability of other nations supplying the islands with slaves, clear he was, that it had better be by any nation than by this. He would rather that the colonies should be supplied by all the nations in Europe, than that the British name should be sullied by such abominable practices. It was begun to be seen, Mr. Fox observed, that the trade was inconsistent with justice. An honourable gentleman, who had spoken early in the debate, had acknowledged that many enormities subsisted, and were proved by the evidence; but he had asked, would it be fair to take the character of this country from the records of the Old Bailey? He was not at all surprised that when the subject was mentioned, the Old Bailey should recur to the honourable gentleman's recollection. The honourable gentleman had, however, forgot the essential difference between the two cases: when they learned from the Old Bailey records that crimes had been committed in this country, they at the same time learned that they were punished with transportation and death: when they heard of crimes committed in the slave trade, they found them passed over with impunity, or even the objects of reward. There had been an accusation urged against the committee which sat in the Old Jewry, for having distributed copies of the evidence. He had the honour to be one of that committee, though, perhaps, from some other avocations, not a very constant attendant, and his advice had ever been to distribute them as largely as could be done; for he heartily wished that there should not be a man in the nation, who could read, but should see the evidence before the House, since he was sure that it would produce on the country that effect which he trusted it would ultimately have on the House of Commons, and ensure the immediate abolition of the trade. It had by some been objected, that part of the evidence was given by poor people. He knew not that poverty and veracity were incompatible. At least, the evidence of the poor was as good as that of the correspondents whose letters had been read by his honourable friend, (Colonel Tarleton,) who had

acknowledged that he did not know who his correspondents were. He noticed the mention made of Lords Rodney and Macartney, Admirals Edwards and Arbuthnot, &c. who, he observed, had spoken of the West Indies only, and could have no other knowledge of the slave trade than that which might be obtained from a perusal of the evidence. All that they had said had been merely negative, whereas the evidence of the other persons, less affluent, perhaps, and less dignified, was positive and uncontradicted. As to the mode of procuring slaves, even the honourable colonel had not said that there was any thing like fairness in it; in his mind, the least disreputable way of accounting for the supply would be to represent them as having been legally convicted of crimes. If, however, the number should prove it to be impossible that they all could have been convicted of crimes, that pretence must fall to the ground. The whole number, he stated, to be above eighty thousand annually! Could such a number be supposed to be convicts? And even were that the case, it could not but be considered as rather condescending in this country, and rather new also, to take on itself the task of transporting convicts from other parts of the world, and those parts barbarous! Were France or Spain to proffer such an office to this country, they would scarcely know what terms were adequate to express their sense of the insult; but from the petty states of Africa, they accepted it with satisfaction and pleasure. As for the specific crimes for which the negroes were convicted, of witchcraft especially, they entertained so sacred a horror, that being unable to find objects at home, they made, as it were, a crusade to Africa, to express their indignation at the sin. With respect to adultery, to be sure, they did not go to Africa, because the crime was not to be met with in this country: their aversion, however, to that crime was such, that though it might be thought somewhat severe, lest it should escape punishment, they degraded themselves into executioners — of so despicable a nature must be the best possible defence of which that execrable traffic would admit!

Last session, we were cajoled and taught to believe that something would be early brought forward. Had we not passed a year, and nothing had been done? Were we to be still deluded and betrayed? All our promises were vanished into smoke and air, and the Africans continued to be oppressed, plundered, and murdered. It was exceedingly hard, that because we suffered our credulity to be imposed on last session, we should this day be insulted by a similar mode of subterfuge. Why was not the system of moderation proposed then? Why were we not entertained by the proposition for

a gradual abolition? He feared that, had not the question been renewed, this measure of gradual abolition would never have been mentioned.

Mr. Fox then proceeded to a statement of facts. In one part of the evidence, they found that a well-known black trader brought a girl to a slave ship for sale; some persons afterwards went on board and discovered the girl; they learned who the trader was that sold her, and went and carried him to the ship, and sold him for a slave. "What!" said the trader, "do you buy me, grand trader?" "Yes," replied the captain, "I will buy you or any one else; if they will sell you, I will purchase you." On the first view of this fact, it appeared to be a piece of most bare-faced villany; but on examining the subject, it would be seen that what had happened in that case was, and ever must be, the common and ordinary conduct that resulted from the very nature of the trade. How could the captain know or decide who was the real owner of the girl? He had given the same answer in that case as he must give in every instance, namely, "I cannot know who has a right to sell; it is no affair of mine; I cannot enter into these controversies. If any man offers me a slave, my rule is to buy him, and ask no questions." That such was the method of carrying on that execrable traffic, and that perpetual wars were created for the purpose of supplying the European slave trade, were indisputable facts; and he challenged any man to controvert them.

He then called the attention of the committee to what had happened in the river Cameroon. That affair, he said, came out upon an action tried in the court of common pleas, on the 1st of March last, before Lord Chief Justice Loughborough. It was brought by one Macdowal against Gregson and Co. for wages due to the plaintiff. The facts were directly in issue, so that the committee, by a strange fortuity of events, had a judicial proof of the whole transaction; containing, among others, the following important circumstances:—A chieftain, of the name of Quarmo, who meant to execute his revenge upon the slave captain for the savage violence that he had before committed, went to him, and said, "I want to go up the country to make trade, you will help me by giving me some arms and gunpowder." The proposal was directly agreed to. Had the chief meant to deceive the captain, when he made this proposition, he would have used some sort of art, and not have offered a proposition so extraordinary that it would alarm the captain's suspicions. He would have mentioned some reason for his proposition that was common and natural; his plea, therefore, of borrowing arms to make trade (that is war for trade) was the natural plea, and

therefore succeeded. It was so usual that the captain immediately consented, as it were, through habit, to grant his requisition, which he himself declared, he had often granted before, and through the success of this fraud his destruction was accomplished! In short, he again and again called on any man to shew how the trade could be carried on, but by such means as those, for which, if a man were to practise them in this country, he would be punished with death? The advocates for the abolition of that abominable trade, were accused of enthusiasm. Were they, he asked, enthusiasts, or fanatics, because they cried, "do not rob—abstain from murder!" If by the term enthusiasm was meant zeal and warmth, he was free to acknowledge that he was an enthusiast, and his enthusiasm was that zeal and warmth which arose from a sense of justice, and was of that kind which made men act with energy in a noble cause; it was a zeal and warmth which he trusted he should always possess, and without which nothing great and praiseworthy had ever been effected since the creation of the world. In such energy they prided themselves, and gloried. He could not admit of any compromise on the subject; for there could be no compromise between guilt and injustice.

Mr. Fox vindicated Mr. Wilberforce from the charge of unfairness in not having expressly stated the full extent of his meaning, and said, that though his words had not pointed out immediate abolition, he had openly avowed that to be his intention, and the motion itself was unobjectionable, inasmuch as he had assured them, that when he should bring in his bill, he should leave it, liable to amendment, though it was reasonable to suppose, that the honourable gentleman would be disposed to fill up the blanks in the manner correspondent to his own ideas. The question then, Mr. Fox said, was only, whether the House were ready to declare, that the slave trade should be abolished at some period or other; some might be for six years, some for twelve, and others for six months; but all who were for the abolition at all, ought certainly to vote for the motion. When the bill came into the committee, any gentleman might move for a short period; for his part, he thought it ought to be immediately. Some might think of two, three, six, ten, or twenty years; in his mind, it might as well be a thousand. Those who were against the immediate abolition, he remarked, seemed to incline to give weight to the majority of last year; whereas by the means he proposed, they would put an end to that majority. He had hoped, that they would have done something even in the smallest degree towards obtaining the object; but those hopes had entirely failed. An honourable gentleman had said, that they would

soon find the trade abolished: he believed so too. Petitions had been presented to the House, whose prayer could not be resisted, and the public, who had been enlightened by the evidence, and by the publications of the society in the Old Jewry, had shewn a solicitude and zeal on the subject, which could not fail of accomplishing its object. He was old enough to recollect supporting petitions on a variety of occasions, and knew not on what principle they could be spoken of slightingly, unless where actual evidence could be brought of improper practices, such as forged names, or of men having been led by fraudulent means to sign them. Of this he was certain, that the table was never loaded with petitions, but where the people of England felt an actual grievance, and where the House ought to feel itself bound to give a remedy.

One honourable gentleman had said, he had letters to shew, that some of the petitions contained false names. How did he know, but that the letters themselves were false? It was absurd to suppose, that such a number of petitions from all parts of the kingdom could have been fabricated: if they were, why had they not as many fabricated for the preservation of the trade? So they might, the honourable gentlemen had said; but the people on their side of the question would not condescend to use such means. If any slave traders, or captains, could have been found base enough to sign false names to petitions, or to ask others to sign them on false representations, they might, the honourable gentleman had said, have had their table covered with petitions on their side of the question; but the reason that they had none of their petitions, was, that detection would have been easy. It must be equally easy to detect any forgeries that might be committed on the side of the question on which he spoke. Gentlemen had said that there was no necessity to adopt violent measures on the occasion, for that the slave trade would soon arrive at a natural period by the civilization of Africans. It was, he contended, impossible. As long as that accursed traffic continued, there could be no civilization. That was, Mr. Fox said, the very refinement of cruelty. They created every kind of immorality, and rendered the people savages, and then said, those men were so savage, that it was bettering their condition to transport them as slaves to the West Indies.

Mr. Fox mentioned St. Domingo and its late disastrous situation. The recent unfortunate occurrences there arose from the oppression of their masters having rendered the slaves cruel and ferocious; and he warned the committee of the danger of similar events happening in our islands, unless the slave trade were abolished. He took notice of Mr. Long's

History of Jamaica, in which that gentleman expresses the propriety of prohibiting the farther importation of negroes, inasmuch as almost all the mischiefs committed in the islands were committed by the new slaves. The abolition of the slave trade, by rendering the masters more kind in their treatment, would not only do away apprehensions of insurrection, but have a farther good effect on even our own islands; and when that happy change should have arrived, they would, he observed, be able to depend on the Creole blacks for the defence of their country, as much as on the whites themselves. He might be asked, why are you so tender of the negroes in the West Indies, and so regardless of their African brethren? He did not ask for any tenderness to the people of Africa. He only begged them not to rob and murder them, to gratify their avarice. There was an argument which had not been used at all, but which was the foundation of the whole business; he meant the difference of colour. Suppose, said Mr. Fox, a Bristol ship were to go to any part of France, where the utmost fury of civil war was reported to prevail, and the democrats were to sell the aristocrats, or *vice versa*, to be carried to Jamaica, or any other island in the West Indies, to be sold for slaves: such a transaction, he imagined, would strike every man with horror — and why? Because they were of our colour. On that point he would quote no less an author than Aristotle, who, deep as were his researches in general, and acute as were his observations, yet in regard to that matter says, "The barbarians (many of whom were of the same colour) are of a different race of mankind, and born to be the slaves of the Greeks!" Were the present race of man more wise than Aristotle? He believed not. Could any justification have been offered for such a practice, that genius, he thought, would have been the first to discover it. Aristotle saw domestic tyranny exercised in an extreme degree in a state, where political tyranny would not have been endured, and being unable to account for it on any principle of reason, but seeing that such was the practice, and a practice too universal to be successfully opposed, he therefore endeavoured to persuade his countrymen, that as the barbarians had been conquered by them, they were of an inferior species, and destined to be the slaves of the Greeks. Such a custom could not be now tolerated; and as to the pretext, that what would be great cruelty to us, who profess strong feelings and cultivated minds, would be not injurious to those who were ignorant and uncivilized, it was the height of arrogance, and the foundation of endless tyranny.

Mr. Fox noticed the mention that had been made of the transportation of convicts to Botany Bay, and said, that the

hardships of the passage would appear less extraordinary, when it was known that the transportation was undertaken by slave merchants and slave captains, and that a part of the misery of the convicts was the effect of slave-fetters being used instead of those employed in general for convicts. The matter, he trusted, would be taken up seriously by government, and properly examined into. To prove that wars were made solely for the purpose of obtaining slaves, he related a story, which, he said, he had read long before any question was agitated. It was that of an African, who had been educated in the Mahometan religion, and taught both to read and write. He was a man of letters, and of the first rank; but was taken in one of those wars, and sent on board an English trader, by which he was conveyed to Maryland, and fortunately sold to a humane master, who transmitted his case to England, where it was taken into consideration, and he was in consequence redeemed and sent home to Africa. Had this man, with all his learning, and other advantages, fallen into the hands of a common master, he might have worn out his life in that Egyptian bondage which put an end to thousands. Upon the whole, he should give his opinion of the traffic in a very few words. He believed it to be impolitic; he knew it to be inhuman; he was certain it was unjust. He thought it so inhuman, that if the plantations could not be cultivated without it, upon the principles of justice and humanity, they ought not to be cultivated at all. Were the objects even brute animals, no man would expose them to be treated with such wanton cruelty. If the objects of the traffic were wholly inanimate, no honest man would engage in a trade founded on principles of injustice. Upon these grounds, therefore, he stated there was a necessity for putting an immediate end to it.

The committee divided on Mr. Dundas's motion, that the word "gradually," stand part of the question, Yeas 193: Noes 125: Majority against the immediate abolition of the slave trade, 68.

April 4.

On the 4th of April, Mr. Wilberforce said, that in consequence of various applications to know when he meant to bring in a bill on the resolution of Monday last for the gradual abolition of the slave trade, he rose to declare, that he neither could nor would bring in any bill for the gradual abolition, or in other words, to sanction for a time that which it was his deep and firm conviction ought not to endure one moment longer. It was for his right honourable friend, who proposed, or some of those who supported, the gradual instead of the immediate abolition, to follow up a measure

which he disclaimed. Mr. Dundas begged that the honourable gentleman would pursue the abolition, his own object, in his own way. He had no bill to bring forward, nor could he have any, as much the greater part of the plan which he thought the best for obtaining the ultimate abolition, must be carried into effect by the internal legislatures of the different islands.

Mr. Fox said the right honourable gentleman was the best judge of his own intentions; but so persuaded was he of the general wish of the House to take immediate measures for the abolition, in some shape or other, and so fully convinced that those who voted for the gradual abolition were in earnest, that he thought a bill to that effect would have been brought in before the House rose on Tuesday morning. Now, for the first time, he was given to understand that they meant not to pursue their own resolution, but leave it to those who had voted against it. But how could they proceed upon it? The House had amended the motion for immediate abolition, by inserting the word "gradual." How could the honourable gentleman who moved that resolution, or he who supported it, frame a bill on a resolution substituted for it; and of which, notwithstanding the decision of the House, they could not approve? They thought immediate abolition the only practicable remedy. How, then, could they pretend to act on other men's ideas, and to follow up a principle, the practicability of which they did not understand? They who proposed and supported a gradual abolition, knew, or thought they knew, the means of carrying it into effect, and it was their duty to do so. If they did not, they had deluded and misled the House. The resolution they had come to would be a disgrace to the House, and an insult to the country. Many who had voted for the gradual abolition, would doubtless have voted for the immediate abolition, had not the former been held out to them, as the safer and more practicable course. If the right honourable gentleman did not follow it up, some one of the majority who voted for it surely must. If no man would undertake it, the business should not drop. Means must be taken to enable the honourable gentleman, who moved the immediate abolition, to pursue his own measure. It was supported by the general sense of the country, and by persons, from their situation, of the greatest authority in the House, who had added to their former fame, by their brilliant display of talent in Monday's debate, and with such support it must ultimately succeed.

Mr. Dundas said, that nothing had fallen from him to warrant the speech of the right honourable gentleman; it had been as much

his intention to carry the opinion he delivered on a former night into effect, as it could have been that of any gentleman who had an opinion for the total abolition, had such been resolved on by the House. It was his opinion, when he had proposed the amendment, and it was still his opinion, that the House and the colonial ssseмblies ought to act together for the abolition; for he was confident that the trade could not be got rid of until we had the concurrence of those assemblies. He was not prepared to bring in a bill; nor did he think it was reasonable he should be expected, within twenty-four hours after the discussion of the question had been closed, to bring forward any digested system, which he must have done, had he brought in a bill. It was his intention to bring forward a measure on the resolution, for the gradual abolition of the trade.

Mr. Fox said he was now to understand that the right honourable gentleman — what he certainly had not stated before — meant to proceed with his plan this session. If he meant to wait till the assemblies of the several islands were consulted, he did not see that any bill could be carried through parliament this session; and that alone was a sufficient objection. With respect to the gradual abolition, two things appeared to him to be all that could be done by parliament; to impose a duty on the importation of slaves into the islands, and to fix a period to the duration of the trade. Was either of these to be done this session? If a session was suffered to be lost; if a bill, to say that the trade should have an end some time or other was not brought into parliament so as to pass into a law, before the prorogation, they might be justly charged with imposing on the honest feelings of the public, and affecting a zeal for humanity in their speeches, which never reached their hearts. But it should not be so; he would not suffer a day to be lost, and would therefore move, "That this House will, upon Wednesday, the 18th day of this instant April, resolve itself into a committee of the whole House, to consider of measures to be taken for the abolition of the slave trade carried on by British subjects for the purpose of procuring slaves from Africa."

Mr. Wilberforce seconded the motion. No time, he said, was to be lost; they owed it to their own characters, they owed it to their country, and to the cause they had espoused, to proceed. They might suspend their deliberations, but that would not in Africa suspend the work of death — "Deliberat Roma, perit Saguntum." — Mr. Fox's motion was agreed to.

April 17.

The order of the day for going into a committee of the whole House to-morrow, to consider of measures to be taken for the abolition of the slave trade, being read,

Mr. Fox said, that his motive for making this motion, was to take care that this important business should be brought forward for the farther discussion of parliament, without loss of time. He understood that the right honourable gentleman (Mr. Dundas) was to bring on something by way of regulation on this subject, and that the day appointed for that purpose was Monday next. He knew not what measure was intended to be proposed: he hoped it would be a bill for the speedy abolition of the trade. He was sure that no time ought to be lost. He felt the delay even of these six days very seriously, considering the advanced state of the session. The only thing he could now do, however, was to move that the order for the committee of the whole House to-morrow upon this subject should be discharged, and appointed afterwards for Monday next. He hoped that what the right honourable gentleman should propose upon the subject would be brought forward in such a shape, that those who wished for the immediate abolition of the slave trade, as well as those who were contented with having it abolished gradually, could vote for it. He hoped and trusted also that it would be successful. His chief object now was, to keep the House and the public to the point, and that it should not be permitted to sleep for a moment, but that it should make such a progress as to be in readiness for the other house of parliament at a time that would not admit of affected arguments for delay to another year. He certainly had not changed his mind on this subject. He could wish an immediate and total abolition; but if that was not to be obtained, it was essential that no time should be lost in bringing forward whatever other regulation should be deemed expedient, and he hoped to hear the whole subject discussed on Monday. For these reasons he moved, "That the order be discharged."

April 23.

This day the House resolved itself into the said committee, in which Mr. Secretary Dundas concluded a long speech with reading over the following propositions:

"1. That it shall not be lawful to import any African negroes

into any British colonies, or plantations, in ships owned, or navigated, by British subjects, at any time after the 1st day of January, 1800.

" 2. That from and after the 1st day of May 1793, it shall not be lawful to carry any African negro from the coast of Africa, or any African, or Creole negro, from any of his majesty's islands or plantations in the West Indies, to any of the dominions of any foreign power, in any ship owned or navigated by British subjects; or in any foreign ship or vessel that may depart from the ports of Kingston, Montego Bay, St. Lucia, and Savannah la Mar, in the island of Jamaica; or from the ports of St. George, in the island of Grenada, Nassau, in the island of Dominica, and Nassau in the island of New Providence, in the Bahamas.

" 3. That from and after the 1st day of May, in the present year, it shall not be lawful for any ships to clear out from any port of Great Britain, for the coast of Africa, for the purpose of taking on board negroes, unless such ships shall have been previously employed in the African trade, or contracted for, for that purpose, previous to the said first day of May.

" And farther, it shall not be lawful for any ship to clear out from any British colony or plantation in America, for the coast of Africa, for the purpose of taking on board negroes, unless such ship shall have been previously employed in the African trade, or contracted for, for that purpose, before the 10th day of October of the present year.

" 4. That from and after the 1st day of May 1793, it shall not be lawful for any British subject to carry from the coast of Africa, in any ship or vessel owned and navigated by British subjects, a greater proportion of male negroes than of female negroes.

" 5. That from and after the day of it shall not be lawful for any British subject to purchase, or take on board, or carry from the coast of Africa, in any ship owned or navigated by British subjects, any male African negro who shall be above the age of 20 years, or any female African negro above the age of 16 years.

" 6. That from and after the 1st day of May in the present year, the owner or owners, or master of every British vessel, which shall be entered outwards in any port or place in this kingdom, or in his majesty's islands or plantations in America, shall declare to the principal officers of his majesty's customs of the port or place from whence the vessel is about to depart, for the purposes of taking on board negroes on the coast of Africa, the general destination of the voyage, and the particular island or islands, in his majesty's plantations, to which he or they propose to carry the negroes so purchased; and that one or more of the owners, together with the master or person having the command of such ship or vessel, shall, with two sufficient sureties, enter into bond to his majesty, in the sum of one thousand pounds for every hundred tons burden of such ship or vessel, and in a similar proportion where the tonnage shall fall short or exceed the above burden, to comply with the conditions of the third and fourth resolutions. And that the master or person having the command of such ship or vessel shall proceed directly from the coast of Africa to some one of his majesty's plan-

tations in the West Indies, or to the island of New Providence in the Bahamas, and there land the negroes taken on board the coast of Africa, unless the master of such vessel shall, by stress of weather, or other unavoidable accident, be obliged, for the safety of the vessel and the crew, to carry such ship or vessel into the nearest port of safety.

"7. That a duty shall be levied or collected by the collector or other principal officers of his majesty's customs in the plantations, of 5l. upon every male negro exceeding 4 feet 4 inches in height, that shall be imported in any ship or vessel into his majesty's plantations, from and after the 10th day of October 1797; and for every male negro whose height shall not exceed 4 feet 4 inches, the sum of 3l.; and for every female negro exceeding 4 feet 4 inches in height, the sum of 3l.; and for every female negro whose height shall not exceed 4 feet 4 inches, the sum of 2l.; and for every male negro exceeding 4 feet 4 inches in height, which shall be imported as above, from and after the 10th day of October 1798, the sum of 10l.; and for every male negro whose height shall not exceed 4 feet 4 inches, the sum of 8l.; and for every female negro exceeding 4 feet 4 inches in height, the sum of 8l.; and for every female negro whose height shall not exceed 4 feet 4 inches, the sum of 6l.

"And for every male or female negro exceeding 4 feet 4 inches in height, which shall be imported as above, from and after the 10th day of October 1799, the sum of 15l., and for every male or female negro not exceeding 4 feet 4 inches in height, the sum of 12l. Which duties shall, within one month after collection, be acounted for, and paid over by the collector or other principal officer of his majesty's customs, to the receiver-general of the island or plantation in which such duties shall have been levied or collected, to be applicable to the use of the said island or plantation, and to be under the direction and at the disposal of the legislature of the same.

"8. That from and after the 10th day of October, in the present year, it shall not be lawful to import into any island or colony in America, under his majesty, any African negro, or any Creole negro, or Mulatto slave, from any foreign island, colony, territory, or dominion in America.

"9. That from and after the first day of May 1793, the tonnage of shipping annually cleared out from the different ports of this kingdom to the coast of Africa, for the purpose of purchasing negroes, shall not exceed tons, and that the ports of London, Bristol, and Liverpool, shall be allowed such proportion thereof as the respective trade in each port to the coast of Africa bore to the whole, upon an average of three years, preceding the 5th of January 1792.

"And further, that from and after the day of the tonnage of shipping annually cleared out from the different ports of his majesty's colonies and plantations in America to the coast of Africa, for the purpose of purchasing negroes, shall not exceed tons.

"10. That commissioners should be appointed to examine into the losses which merchants, or others concerned in the African slave trade, may sustain in consequence of the preceding resolutions, and that these commissioners shall, from time to time, report to parliament the amount of the indemnification to which the sufferers are, in their opinion, entitled.

"11. That farther provision ought to be made for the exemplary punishment of any British subjects who shall be guilty of any outrage, violence, or malpractice, against any native of Africa, either in that country or on the coasts thereof, or on board any ship or vessel owned or navigated by British subjects.

"12. That an humble Address be presented to his majesty, beseeching his majesty to take such measures as, in his wisdom, he shall judge proper, for establishing, by negociation with foreign powers, a general concert and agreement for the final and complete abolition of the trade carried on for the purpose of importing slaves from the coast of Africa, into any of the dominions of the said powers; assuring his majesty, that while, on our part, we feel ourselves indispensably obliged, by the principles of justice, humanity, and sound policy, to take the most effectual measures which circumstances will admit, for accomplishing this important object, we shall enter on the pursuit of those measures with additional satisfaction, from the hope and persuasion, that his majesty will be enabled, by the prudence and wisdom of the respective colonial legislatures, to adopt such regulations, within the several islands in the West Indies, as by promoting their internal population, and gradually improving the condition of the negroes, may provide, in the most advantageous manner, an adequate supply for their cultivation, and contribute to the security, tranquillity, and permanent prosperity of those valuable possessions.—That considering the particular regulations which may be necessary for this purpose, to be the proper province of the colonial legislatures, we have not thought it proper to make them the subject of our deliberations; but that, if any circumstances should arise, in which our co-operation and assistance shall be wanting for this purpose, we shall, at all times, be ready to afford it, with a zeal and alacrity proportioned to the importance of the end, and to our constant solicitude for the general welfare and happiness of every part of his majesty's dominions."

The Propositions having been warmly opposed by Mr. Pitt and Mr. Wilberforce,

Mr. Fox said, that he had never been more gratified than by hearing the speeches of the right honourable the chancellor of the exchequer, and the honourable gentleman who spoke last, and especially by that part of the right honourable gentleman's speech, in which he so explicitly stated, that nothing had yet been done by the House that could prevent them, either in point of form or substance, from returning again to the consideration of the question of immediate abolition; for he now hoped, after the fresh motives for abolishing the trade

immediately, which the total inconsistency and impracticability of the right honourable gentleman's proposition would undoubtedly furnish, a bill, conformably to the ideas of the first honourable mover in this business, would be suffered to be brought in.

He should not then enter into the detail of the resolutions, but there were two or three observations which he thought it necessary not to delay making. The right honourable gentleman seemed, by his own account, to imagine, that it was in the very nature of a moderate measure to displease both the contending parties; and if the success of his plan of moderation was to be judged by this criterion, in this respect, he believed, it had the most distinguished success. If he judged of its merits, merely by that test, he might go home with the greatest satisfaction of mind; for as to all those gentlemen who had been on the side of immediate abolition, he could assure him he knew of none who would not prefer the throwing out of the bill altogether, to the consenting to any bill that fixed so distant a period as that which had been stated. For himself, he had no difficulty in speaking his own mind upon the subject: he did not know whether he might not consent to an abolition in three years rather than no abolition; but if five years was proposed, he could not bring his own mind to agree to pass a bill abolishing the trade at so distant a period. His reason was plain: he hoped at a future time to obtain a more early abolition than he should obtain by consenting to so distant an abolition now. The right honourable gentleman himself had confirmed him in this opinion; for in one part of his speech he had held a language so different from the terms by which he had attempted to induce the abolitionists to consent to a long term, that he was only following up the hint of the right honourable gentleman himself in refusing to vote for it. If it had been possible, indeed, to divide the House into separate committees, to send them to different committee rooms; the abolitionists to one, the anti-abolitionists to another; and if the right honourable gentleman had then divided his speech into parts, and had come successively into the different committee rooms, and spoken a part of his speech to each, it might have done well enough; but the misfortune was, that each party had now the opportunity of hearing what was said to the other. The right honourable gentleman said to the one party, "You had better vote with me for a longer time than you like, otherwise you will get no abolition at all." This was very polite language to the immediate abolitionists: but the misfortune was, the anti-abolitionists heard it, and they were thus led to think, that if in any way they could throw out the bill, no abolition could take

place. Again, he said to them, "You had better agree to a shorter time, otherwise the trade will be abolished immediately; the country will not bear it longer; the House of Commons will not bear it; it is a condemned trade; and for fear of something worse, you had better yield."

Mr. Fox declared, he fully agreed with the right honourable gentleman in this last threat which he had held out; he had taken courage from it; for his part, his fears of a perpetual slave trade (if these resolutions were negatived) were abated by the right honourable gentleman's own threat to the other party; and he assured those gentlemen who were against abolition, that if they disapproved a bill to abolish the trade in five years, he would most unquestionably agree with them and join in throwing it out. He approved of the address in part; but as to the idea of meddling with internal regulations in the islands, he thought that an affair in which there might be some little danger, and from which no adequate degree of good was likely to arise. If their own sense of duty, as well as their own interest in improving the population by good usage of the present negroes, would not be a sufficient inducement to the provincial legislatures, he had no idea that a recommendation from this country would have any great weight.

The right honourable gentleman had argued, that the present state of the West India laws was no proof of the degraded situation of the negroes, and had compared it to the state of our laws against Roman catholics, which were in truth dormant. The cases were widely different. The one, those in the case of the catholics here, truly slept, no individuals put them in execution, and if no action was brought upon those laws, no actual mischief to the papists came from them; but as to the West India laws, they respected the whole personal protection of the slaves; the slaves had no redress of any grievance; they had no protection of law whatever. Their masters also, who were the opposite party, were the legislators, who both refused them the protection of law and themselves exercised individually the most arbitrary power over them. The famous law of Barbadoes enacted, that if a master killed his slave in the way of punishment, the master was to suffer no penalty of punishment whatever. If, indeed, he murdered a slave by wanton cruelty, the law said he should suffer the penalty of 15*l.* — whether in currency or in sterling made some difference certainly, and he was not sure in which of these coins it was that this enormous penalty for murdering a fellow-creature was to be levied.

As to the parts of the right honourable gentleman's proposition, he was almost prevented by disgust from going into

them; still it was his duty to speak of them. The right honourable gentleman had now quite given up the principle on which the whole justice of the slave trade had been founded; for he had fairly acknowledged, that the people to be transported were not to be criminals. He had thought (and truly enough as to that matter) that there was danger to the islands from the transportation of African convicts, and he had therefore confined the trade to the transportation of innocent children. In future the slave traders were only to be allowed to steal away children from their miserable parents. This was the remedy which the right honourable gentleman's moderation had suggested! This was thought no hardship and no injustice; it was presumed they were slaves already, and were bred up for sale! The fact, as every one knew who was acquainted with the evidence, was directly the contrary. Those who were held in a state of slavery never were sold to slave ships except for crimes. This was a notorious thing. These barbarians, these savages, as we considered them, entertain such a horror of our slave trade, that they never sell any of their own slaves to our slave ships, unless they have first committed a crime; they have too much compassion and bowels of mercy, savage as we call them, to part to us with the slaves that work for them, unless they become convicts. How, then, were these children to be obtained?

But, there were other difficulties which were such as to shew the total impracticability of the right honourable gentleman's plan. They were none of them to be convicts, because these would be too dangerous; and yet one of his ideas was, that there should be men twenty-five years old sold to us! How was this age to exclude convicts? Were there no convicts in our country under that age? He believed by much the greater number of them were below it. Again, how was their age to be ascertained? Where was the baptismal register on the coast of Africa to which they were to go and look into for the ages of all these children? How, he would ask, was the captain to know a girl of sixteen from a girl of seventeen? How, then, could he tell whether he was breaking the act of parliament or not? In short, nothing could be plainer than the impracticability of this scheme of partial and gradual abolition, which, nevertheless, had been so confidently maintained, chiefly on the very ground of its being superior on account of its practicability. The immediate abolition was a simple, plain, practicable measure, founded both in policy and justice, and the House would only find itself involved in inextricable difficulties, and led into the most dreadful injustice, if it should take half measures, and attempt to legalize, in any degree, a thing so indefensible as the slave trade.

Mr. Fox said, he was happy to hear the right honourable gentleman avow one principle, which he had done fairly and manfully, namely, that no importations were to be permitted on the principle of improving new lands, but merely on that of maintaining the present cultivation and population. This had given him considerable comfort, for if the right honourable gentleman and the House would but abide by that principle, and enter fairly into that consideration, he had no doubt whatever of their being completely satisfied, that the present stock could be kept up and did now fully maintain itself without taking any imported negroes into the account. The House, therefore, on examining this subject, which he would not enter into then, would, he was persuaded, vote an immediate abolition of the trade. As to Jamaica, it had struck him, and must have struck the House, the moment the great importations into the island were mentioned, that the cause of them was the quantity of uncleared lands in that island; the population of Jamaica had been stated by the right honourable the chancellor of the exchequer, and he was sure would be proved, to the satisfaction of every man in the House, when they went into it, fully able to maintain itself.

He could not help lamenting, that the right honourable gentleman should have so early, and, he thought, so hastily, pledged himself to a gradual abolition, without previously looking into the evidence and acquainting himself with the facts which bore upon the subject, and that he should have led the House on a former night to agree with him in his general proposition, of inserting the word "gradual," into the motion. He hoped they would now see the impracticability of effecting the abolition in the manner that had been so hastily held out. As to the question of compensation, he thought that ought to be considered completely as a separate subject of consideration. The abolition of the slave trade did not depend, in the least, on the decision of that matter. Let gentlemen make out a case, and it would be fairly heard by the House; but let it not be thought that the British parliament was to satisfy any obligations, or to evade the discharge of them (if such there were) by acts of injustice towards the Africans, who were no parties to the contract. We must settle ourselves the claims that might be made on us, and not commit injustice in Africa, in order to get rid of the obligation. He did not wish, in either way, to preclude the question of compensation; but yet he thought the right honourable gentleman had gone much too far. There was a complaint some time ago, Mr. Fox said, that we had not suffered lumber to go from America to the West Indies, as before the American troubles. Was there any talk of compensation then? Why,

then, was a compensation pressed for not suffering slaves to be carried? In the former case, there was a much more natural ground of complaint than in the latter: for in the case of the slave trade, there was a radical violation of justice, while in the other case there might be something of a reasonable and almost a natural claim, from the vicinity of the American continent.

As to the agitation of this question, which the right honourable gentleman had deprecated, there he must completely differ from him. The question never could cease from being agitated, till the trade was abolished. Could it be thought that the honourable mover, who had given so many years to it, and was so fully convinced by a long investigation of the subject, of the truth of all that he had advanced, would quietly give it over, and be silent for eight years? Would the country continue likewise silent? There would be a general election before that time, and was it possible to conceive men's minds would then be at rest when they had interested themselves so warmly, so anxiously, and so generally as they had done? Would not gentlemen's elections be affected by this question? Would not the subject be revived by the contending parties, and the struggle break out continually with the greatest heat and violence? He did not mean to say that gentlemen ought to be induced by a fear of this sort to vote against a measure which they thought wrong in their consciences; but they must not imagine the agitation of the subject would be over. It was impossible to suppose it. No man, however romantic in the cause of slavery, however enthusiastic for injustice, could be so wild as to fancy that either the country, or the friends of the abolition in the House, would let this trade go on undisturbed for eight years longer. He wished some alteration to be made in the manner of bringing on the resolutions; namely, to bring on first that resolution by which the term of the continuance of the slave trade was to be decided. The merit or demerit of many of the other resolutions might depend on this; and it would, in every respect, he thought, be better. He should then wish to move first, the question of immediate abolition, which he hoped would be carried, confirmed, as every argument in favour of it now was, by what had appeared that day to be the right honourable gentleman's plan. If it should not, he should move a term of one year, then of two years, and so on. It would then be fairly tried what was that term which the House would be willing to adopt.

Mr. Drake said, that Mr. Fox had talked of their constituents. Now, he declared, for one, that he sat there as a free subject.

His constituents were the people of England; to serve them he was sent there, by a few who had the privilege of election. He would always stick by the people of England; but he scorned to hold a seat in that House on any other terms than those of a freeman. He little, therefore, expected to have heard such language from a right honourable gentleman who, the other day, had so nobly burst out "Justum ac tenacem propositi virum," &c.

Mr. Fox said, he was glad the honourable gentleman had given him an opportunity of explaining. If he was understood to have said, that they were bound to vote so and so, because their constituents desired them to do so, he was completely misunderstood. He was against the opinion of a gradual abolition, as neither founded in mercy nor justice, but he had guardedly told the right honourable mover, that if he thought the question of the abolition would be set at rest by carrying his propositions, he was mistaken, for they would hear of it at the general election. With regard to that House, Mr. Fox contended, that it was a vital part of the constitution to be considered as a deliberative assembly, and that they were to argue, to listen, to inquire, and to determine; but in great and important questions it was of advantage to know what were the opinions of their constituents, in order to form their own opinion.

April 25.

The House went again into the committee, in which Mr. Dundas moved his first resolution, "That it is the opinion of this committee, that it shall not be lawful to import any African negroes into the British colonies or plantations, in ships owned and navigated by British subjects, at any time after the 1st of January 1800." In opposition to which, Lord Mornington moved, "That the words '1st of January, 1800' be left out, and the words '1st of January 1793' inserted in their room." This motion was powerfully supported by Mr. Windham, Mr. W. Smith, Mr. Pitt, Mr. Fox, Mr. Wilberforce, and others.

Mr. Fox said, he had now but little to trouble the committee with. The state of the question, thank God! was now materially altered. All defence of the trade itself was given up. It was universally condemned to abolition at some period or other, as inhuman and repugnant to the first principles of justice. How most speedily and effectually to destroy it was all that remained for discussion. He was always of opinion, that immediate abolition was the only practicable course; and if it had been possible to confirm him more in that opinion, the right honourable gentleman's arguments for gradual aboli-

tion would have done it; for respecting, as he did, the talents of the right honourable gentleman, when even he was compelled to resort to such futile arguments, better he was sure could not be found. The committee were now called upon to decide this extraordinary question — whether they would themselves abolish a trade, which they detested and abhorred, or leave it to be abolished by persons whom they knew to be violently prejudiced in its favour, and who professed to have an interest in its continuance? — Why? Because they were told that without the concurrence of the planters they could not abolish it at all. The right honourable gentleman seemed to have forgot his admonition to the planters, when he opened his plan — his warning not to oppose a moderate and gradual abolition, for that the sure consequence of their obstinacy would be a much more sudden and violent abolition than they might otherwise obtain. Surely this was an admission, that parliament had the power of abolishing on Monday; and what circumstance had since occurred to lessen that power he was at a loss to conceive. We have prohibited the importation of lumber and provisions from the States of America; but, says the right honourable gentleman, I am not sure that you have done this effectually. It is impossible to say that in any case of prohibition we can prevent contraband entirely; it is sufficient that we prevent it to any considerable degree. But then he tells us, they are not so anxious to smuggle provisions, because they get them from Great Britain and Ireland. What! Is their desire of getting slaves so much greater than their desire of food, that they will rather smuggle negroes than provisions in a famine? And famine they tell us they have suffered since the prohibition of importation from the American States. If we confiscate the ships that carry them slaves, their juries and judges will give unjust decisions. I am not to contend that the verdict of a jury will never be warped by prejudice; but it would be paying the planters a bad compliment to suppose that they would decide systematically against evidence, and against their consciences. Their judges must be sent from this country; the right honourable gentleman would have the selection of them; and surely he would not recommend prejudiced persons to his majesty's nomination. If this argument was good for any thing, it applied to the whole monopoly of our colonial trade, the laws respecting which must be enforced by colonial judges and colonial juries. It was in the nature of every restraining law, that it might require force to put it in execution; although this was, undoubtedly, the last expedient to which a wise government would have recourse. Slaves were certainly more difficult to smuggle than goods. A slave, if intended

for use when imported, could not be taken to pieces to pass for another commodity; he must be landed in his proper shape, and, after all, he might tell that he was smuggled, and perhaps bring proof of the fact. These were, at least, difficulties in the way of smuggling; and the difficulty alone would do almost all the good that the right honourable gentleman expected from his regulations. But if it were true, that they would be supplied by foreign ships, — Dutch or American, no matter what, — in God's name let them in any ships but ours! Let us wash our hands of the guilt of the trade. If other nations would commit robbery and murder, that was no reason why we should imbrue our hands in blood.

We at last came to the futile basis of the right honourable gentleman's argument, that the West India islands would be convinced by his experiment, and voluntarily adopt the abolition. Now, was it a fair way of making an experiment, to trust it to those who did not wish it to succeed? If we were serious in this experiment, let us pass a bill to suspend the trade for five years, and see whether we should resume it. This was the only rational way of making an experiment. But they were also to be convinced by arguments and evidence, from which they yet had felt no conviction. Their prejudices were to be removed by sober reflection, and their minds were to have time to cool! Their prejudices (said Mr. Fox) are erroneous notions early imbibed, which I see not how they can part with of themselves, and the heat of their minds arises from proposing abolition, which will probably return as often as the cause. To what, then, do I trust for abating that heat, if the abolition be immediate? To their observation of its effects and the force of truth — to the well-known maxim, "Magna est veritas, et prævalebit." The right honourable gentleman refers them to the calculations of his right honourable friend. These calculations they have had before them since last year; what hope, then, is there that they will be more efficacious than before? I will not trust for justice in a case such as this to the effects of reason on prejudiced men. Let us do our duty by abolishing the trade, and their reason will soon operate. All the arguments against the abolition will be just as good in 1800 as they are at present, unless the right honourable gentleman has discovered some rule to shew that arguments, which could not even gain a patient hearing in one year, would produce conviction in so many more; or that his right honourable friend was so transcendent a genius, that he could perform such operations of addition and subtraction in one year, as men of ordinary capacity could not comprehend in less than seven. This was

not a question that had come upon them by surprise. It had been four years in agitation, and yet they were not convinced. If inquiry and discussion would not convince them, their minds, perhaps, were so constructed, as to require perfect stillness for its adoption. On the chance of such an operation of intellect I will not consent to risk the honour and the reputation of my country. They say, that although we renounce the trade, other nations will follow it. It is with nations as with individuals; they may sometimes countenance each other in a community of crimes; but it is one thing to have done wrong, and another to persist in it. It is one thing to have embarked in an unjustifiable traffic, and another to say, "Now that we are convinced of its inhumanity and injustice, we will continue it a little longer for the sake of our interest." The conduct of foreign nations — a conduct which I do not believe foreign nations will pursue — can be no excuse for us. Nothing can be so detestable or so destructive of all morality, as to argue from the possibility or actual existence of crimes to the lawfulness of committing them. If I think that a man will be robbed and murdered, am I therefore to say, it is better that I should commit this robbery and murder than another: I shall get five guineas by it, and the present owner will not die an hour the sooner?

Next it was said, we owe much to the West Indies. If we do, let us pay what we owe, or say that we cannot; but let us not say that the kidnapping of 240,000 negroes is a fit compensation from Great Britain to her colonies. The right honourable gentleman has proposed that we should carry off only boys and girls. This would, at least, have had the merit of avowing that we did the thing openly, and not on any miserable pretext that they were convicted of crimes; but this is now to be abandoned. I hope the reducing the tonnage employed in the trade is not also to be abandoned. This would take away about four-fifths of the supply, and why they should be so anxious about the other fifth, we are not yet informed. Would they patiently bear the loss of four-fifths, and risk a separation with Great Britain for the other? I am not much alarmed by the possibility of our islands getting into habits of intimacy with foreigners; but if they should be so infatuated as to prefer the continuance of this detestable and pernicious trade to their connection with this country, I would not vote a shilling of the money of my constituents to coerce them. This I have always said, and always thought, and always I was using something like the cowards threat, being persuaded, that they would consider the loss of our connection, and the advantages they derive from it, as the most formidable threat that could be made to

them. If we abandoned the trade, other nations would probably do so too. If the opposite arguments were good, no nation would ever set the example, and it must endure for ever. As the first nation in Europe we ought to set the example, and in the cause of justice and humanity, to claim the post of honour — of danger if there were any. — Mr. Fox concluded with repeating, that he should vote for the abolition at the end of a short period, if he could not carry the immediate abolition; but that he would vote against a bill bearing so distant a period as 1800; firmly persuaded, that before that time the abolition must take place.

The committee divided on Lord Mornington's amendment: Yeas 109: Noes 158: Leaving a majority of 49 for Mr. Dundas's motion. The House went again into the committee on the 27th of April, when it was agreed by a majority of 151 to 13, that the slave trade should cease on the 1st of January 1796. The resolutions were reported to the House on the 1st of May, agreed to, and ordered to be carried up to the House of Lords. But in this House the friends of the abolition of the trade being fewer in proportion than in the Commons, were defeated, for the present year.

Mr. Sheridan's Motion relative to the Royal Burghs of Scotland.

April 18.

THIS day Mr. Sheridan moved, "That this House having received petitions from forty-six of the Royal Burghs of Scotland, complaining of various grievances in the government of the said burghs; and the House, after taking the same into consideration, having on the 17th of February, 1788, ordered, that notorial copies and sets of the royal burghs should be laid before this House, and then having made several other orders for accounts of the cess, stent, or land-tax, levied in the said burghs, and of the sums of money paid to the receiver-general on account of the same, and for accounts of the revenues of the said burghs, and for accounts of the lands of the said burghs alienated since the union; and, in obedience to the said orders, a great many accounts having been laid before this House, it is incumbent on this House to proceed to the examination of the said papers and accounts, in such mode as shall best ascertain whether the grievances complained of are true, and what remedy this House ought to apply to such grievances." After the motion had been opposed by the Lord Advocate of Scotland,

Mr. Fox said, that before he offered a word on the present motion, he wished to make a few observations on the statements of the learned lord who spoke last, for they appeared to him to be totally unparliamentary. He meant that when the question was, inquiry or no inquiry, it was not right to set assertion against assertion. He conceived, that when any member of that House said, "I have a fact which appears to me to be true," the only way to dispose of it was either to give the inquiry, that the fact might be ascertained, or to say we admit the fact to be true, but we are of opinion no inquiry ought to be granted, because it is not of sufficient importance for us to waste our time upon its investigation. But, when a fact was stated by one honourable member of that House, and the possibility of it denied by another, on account of its atrociousness, then least of all should an inquiry be refused, because then it ceased to be interesting to one side only, it became interesting to both; it became as much the duty of the House to be tender to a party falsely accused, as attentive to the accuser; and how could the falsity of the accusation be made manifest, and innocence clearly set free from suspicion, but by inquiry? Therefore the learned lord was unparliamentary, when he maintained the impropriety of inquiring into a fact, because its atrociousness was evidence that it could not be true, and that therefore inquiry would be futile.

Another argument of the learned gentleman was not more happy. He said there were three objects of complaint, or there were three grounds stated of grievance, of which one only existed. What then! — You must state your remedy to them all, or you shall not have this inquiry! How was this? Was it the case at any time in the practice of parliament? Was it the case in the slave trade, that had been so vehemently opposed whenever any part of a reform was sought? Most indubitably it was not. An honourable gentleman, to whom the public was so much indebted for his anxious exertions for the abolition of that traffic, and for his perseverance, had thought that the slave trade ought immediately and totally to be abolished — so did he; but another opinion was stated, and a gradual abolition was proposed, to which the House, in his opinion, very imprudently agreed, because he thought the immediate abolition better. What then, did the House refuse farther inquiry, because they did not agree in the remedy proposed? Not so; for they had agreed to enter into a farther inquiry. This observation of the learned lord was no better than the former. But supposing the reasoning to be as parliamentary as he thought it ridiculous, what were we to think of the probability of the truth of the case, as stated

by the learned lord? He had said, that in all the royal burghs there were none of the abuses complained of. Mr. Fox confessed he had a high respect for the inhabitants of North Britain, on account of their integrity and abilities, but he would not pay them such a compliment as to suppose that there were no abuses in any of their burghs, while he knew there were so many in England — that a place where he was told there existed no check, was better conducted than that where there were many. In fact, when he saw by these petitions, that a numerous body of persons were complaining that there was money taken out of their pockets which ought not to be taken, and to which they did not assent, and that this money was not applied to the purposes for which it was pretended to be raised, nor applied for their use in any way whatever, what should he say? Most decidedly that there was ground for inquiry.

As to the general observations that were made upon reform, they were easily answered. He knew very well that every reform was, by its enemies, called a subversion; but that ought never to deter others from entering into inquiry; if it were to have that effect, no evils would be prevented, nor any grievance redressed. The complaint here was from the royal burghs; that their officers had mismanaged the affairs entrusted to their care; that by their mode of election persons were to dispose of the property of those who had not the shadow of a choice at the election, and that the proceedings of those self-elected persons were afterwards carried on in a way that precluded the possibility of any examination into their conduct. Now, if there was to be no inquiry into this, he wished to know what character for freedom the inhabitants of North Britain must have. This was a crown grievance, and on that account the House ought to be the more ready to enter into an examination of it, and to declare, by the parliament of England, that no such abuses shall be suffered to continue. Let the House peruse the papers, which so much pains had been taken to collect, and let them afterwards declare and proclaim the enormous falsehoods they contained, if that should be the effect of the inquiry.

If the House did not go into this inquiry, they would break their promise with the public; for they stood pledged by a resolution of last year to enter upon this subject. Let the House publish a resolution, that these grievances did not exist, and that if they did, there were courts of law in North Britain to take cognizance of them. He would say that the petitioners had a right to take upon themselves to call on the House of Commons to declare their opinion, whether these grievances did exist or not, and if they did, to call on them

to devise means for the redress of them. They had a right to say to the House, for it was true, "You declared last year that you would inquire, and yet this year you insult us, by telling us you will not inquire at all." He said they had a right to apply to that House as often as they thought fit, and that, in his opinion, they would do well to repeat their application until they gained their point. They were entitled to the protection of the government of this nation, for it derived the benefit of their allegiance. The House had pledged itself to give an opinion upon the subject of these alleged grievances, and if it withheld that opinion, it would, in his mind, disgrace itself. As to the peace of Scotland, he confessed it appeared to him, that so far from being in danger from granting this enquiry, it was the only way effectually to preserve it; the refusal, indeed, might be dangerous, and be the means of creating some confusion, for men would naturally be led to excesses after they had repeatedly been refused redress of grievances which they severely felt.

He did not pretend to be equal to a dispute with any member of that House, much less was he equal to the learned lord upon the law of Scotland; but by the doctrine maintained by that learned lord, it seemed to him, as if the inhabitants of North Britain were to be considered as having remedies to grievances, only *de jure*, but which were to be applied *de facto*. But if a member of the British parliament was bound to listen to the petitions of any of the people of England, so he was to those of Scotland; and if there was any difference in the degree of zeal with which he was to perform his duty, it was in the case now before the House, where the complaint was, that the people were irregularly taxed; and he confessed freely, he should, in his opinion, betray his constituents, if he did not give his voice for this inquiry. As to the effect of the enquiry, he should not conceal his sentiments. He suspected that there could be no remedy but by altering the mode of election of this self-elected council. He should be ready to retract that opinion, if he saw good reason for it: but he could not help suspecting that he should remain of the same opinion, because he thought that none should elect others to offices that had the disposal of property, but those who were to pay the taxes. He knew nothing of the character and disposition of the people of North Britain from any other means than from the many excellent characters which he had met with in this country, but he hoped they loved the substance of liberty too well to permit the abuses that had been stated to continue for any considerable length of time. If it were true that their magistrates imposed upon them in the manner stated, the people must be

fallen much below the level of what he thought them, and have feelings of liberty very different from Englishmen; and until he became persuaded that they were so, he should willingly lend every assistance in his power to obtain their just rights, because he knew it to be his duty. He lamented, however, that some gentlemen who were members of that House were rather indifferent upon the subject, for he believed if these petitions came from other parts of the island, more attention would have been paid to them. This, however, should not slacken the efforts of these petitioners, but should stimulate them to persist; for if they did, the time would come when the House of Commons would be obliged,—he did not mean improperly obliged, but obliged by reason, to comply with their request.

When it was said, that there was no peculiar hardship ever felt by the people of North Britain in regard to the management of their burghs, for that many boroughs in England were in the same condition—it called to his mind the pleasing recollection of what was said by a friend of his, (Mr. Burke,) a person whom he had once the pleasure of calling his friend, who of late had absented himself much from that House, but who had often adorned it with his eloquence, and informed it by his wisdom, although he now was pleased to retire from its debates. His right honourable friend (personally he must still call him so,) had made a most excellent observation on a point similar to this, during the debates upon the American taxation: when some had maintained there was no peculiar hardship on the Americans, that the English House of Commons should vote taxes upon them without allowing them the right of representation in parliament, for that it was the case with Birmingham and Manchester, his right honourable friend had said, "Why do you deal with these people thus? Why do you deal out your own defect for their imitation?" To conclude, he was clearly convinced that the House ought, after all the arguments they had heard, to vote an inquiry into grievances, which, if true, no man on earth could justify.

After a debate of some length, Mr. Sheridan withdrew his motion, and then moved, "That the several petitions and other accounts and papers, presented to this House in the last parliament, relative to the internal government of the royal burghs in Scotland, be referred to the consideration of a committee;" which was negatived by 69 to 27.

Mr. Grey's Notice of a Motion relative to Parliamentary Reform.

April 30.

In the spring of this year an association was formed among several persons of consequence in and out of parliament; the purpose of which was to obtain a reform in the representation of the people. The appellation by which they designated themselves was, "The Friends of the People." It soon counted among its members some of the most conspicuous characters, among the merchants and literary men, throughout the kingdom. They published their sentiments and resolutions with great spirit and freedom; and determined in the ensuing session to make a formal application to parliament. Conformably to the plan proposed, Mr. Grey gave notice, on the 30th of April, that he intended in the following session to carry into execution the design proposed by the society. He founded its propriety on the opinion of the leading men in the House. Mr. Fox and Mr. Pitt had both declared themselves unequivocally on this subject, and the majority of the nation was of the same opinion. The critical state of the times had, he said, induced those who saw the necessity of obviating the probable consequences of the general discontents throughout the great body of the people, to frame such a system of representation as might, by its equitableness, put an end to their incessant complaints of being what they justly styled misrepresented, and made the instruments of ministerial projects, in which their interests were sacrificed to the ambitious views of their superiors. This declaration called up Mr. Pitt, who inveighed with uncommon warmth against the designs of the society. This was not a time, he said, for moving questions that involved the peace and safety of the nation, and endangered the constitution of the kingdom. He was no enemy to a reform obtained peaceably by a general concurrence; but he thought the present time highly improper, and decidedly inimical to such an attempt. He had, it was true, at the conclusion of the American war thought a reform immediately necessary to quiet the clamours and confusion that had arisen from the dread of an approaching bankruptcy, and to unite both parliament and people in the most cordial endeavours to prevent so dreadful an evil. But however he might have been once inclined to promote schemes of reform, experience had taught him the danger of altering the established form of government.

Mr. Fox said, he understood that they were, in some measure, to consider themselves as debating some part of the subject in the present stage of it, and the question now was, whether this subject should or should not be brought forward

early in the next session of parliament? He felt additional difficulty from the speech he had just heard, and he was sorry to find it receive so much of the approbation of the House. He knew that within the walls of that House, the words "Parliamentary Reform" were completely unpopular; the public, he believed, regarded them in a very different point of view, and therefore he should state to the House what the feelings of his mind were upon the subject. First of all, he begged it to be remembered, that he never professed to be so sanguine upon this subject as the right honourable gentleman who had just spoken; but although less sanguine, he happened to be a little more consistent in this case; for he had, early in his public life, formed an opinion of the necessity of a parliamentary reform, and he remained to this hour as fully convinced as ever of that necessity. The danger which then existed to the liberty of the people still existed. The right honourable the chancellor of the exchequer had, year after year, made speeches in favour of a parliamentary reform. He had followed it up to the year 1785, when at last all his ardour forsook him. The cause for this reform had, so far from diminishing, been progressively increasing, and more than ever in the last session of parliament. He had given his reasons upon this subject before; he would not now say that there must be a parliamentary reform; he was almost forbidden to talk of it from the speech he had just heard: but unless something was done — he knew it was not agreeable to the House to hear it — but he would repeat, unless something was done to quiet the minds of the people, there would be some difficulty in preserving the internal tranquillity of this kingdom for any great length of time.

The misfortune was, that the proceedings of that House were often at variance with the opinion of the public. Of the truth of this, the armament against Russia was a striking instance. The declaration of the House was, that we should proceed to hostilities. The declaration of the people was, that we should not; and so strong was that declaration, that it silenced and overawed the minister with his triumphant majority; he was obliged to relinquish his plan at a time when he had a confiding and implicit majority. What was the consequence? That the people of England were at this moment paying the expence of an armament for which they never gave their consent, and as far as that went, they paid their money for not being represented in parliament; that their sentiments were not spoken in parliament, and, what was still worse, that when a complaint was made of the impropriety of this, those who called themselves the representatives of the people refused to inquire into the subject at all; they did not

think it worth while to clear up to the people any part of the transaction, so as to shew them the folly of their opinion, and the wisdom of their representatives. These were the points that disgusted the public with the proceedings of parliament. The truth was, that the principle on which this, as well as other votes, had been given by that House, was wrong in itself; it was the confidence which had been so implicitly given to the minister, and that, too, not merely to him from experience of his probity and talents, but because he was minister; the doctrine was, that the agent of the executive power for the time being, be he who he might, was entitled to confidence; and if he afterwards committed what the people called a blunder, no inquiry should be had into his conduct. As to the other part of the right honourable gentleman's speech, which related to the allies of his honourable friend, (Mr. Grey,) he thought he should give it a complete answer, by saying to the minister, Pray, who will you have for yours? On our part there are infuriated republicans—on yours, there are the slaves of despotism; both of them unfriendly, perhaps, to some part of the constitution of their country, but there was no comparison between them in point of real hostility to the spirit of freedom; the one, by having too ardent a desire for liberty, lost sight of the true medium by which it was to be preserved; the other detested the thing itself, and were pleased with nothing but tyranny and despotism.

As to the books that had been lately published upon the principles of government, and to which the minister alluded, when he talked of dangerous doctrine against monarchy, he could only say, that he had not read many of them: there were two well-known pamphlets, written by a gentleman, who had distinguished himself as an author, during the American war, a native of that country, of the name of Paine. One of these pamphlets he had read; the other he had not seen; and he must say, that whatever merit might be met with in that publication, he could not suppose we were so far reduced, as to be in any great danger from the abuse of a foreigner; nor because, perhaps, (he did not remember seeing it, bye the bye,) the word "reform" was to be seen in the "Rights of Man," that therefore all those who thought a reform necessary, agreed with the general tendency of that book; the truth was, that the book, called "Rights of Man," was a performance totally different from all ideas of reform in our government. It went the length of changing the form of it. Why, then, should those who professed reverence for the constitution of this country, be charged with having taken up the sentiments contained in a book that was a libel on it? As to

the fear of innovation, he confessed there appeared to him to be very little in it; at least it could not be well urged by the right honourable the chancellor of the exchequer, because upon that point he must argue against himself; if innovation was wrong now, it must have been so always, when the right honourable gentleman brought it forward. In short, the longer the reform had been delayed, the more urgent it became, and care should be taken that the disease should not be permitted to increase, until it required a desperate remedy.

In short, upon the word "innovation" he must take the liberty of repeating what he had uttered almost the first time he addressed that House; an observation which some thought quaintly expressed, "That the greatest innovation that could be introduced in the constitution of England, was to come to a vote, that there should be no innovation in it." The greatest beauty of the constitution was, that in its very principle it admitted of perpetual improvement, which time and circumstances rendered necessary. It was a constitution, the chief excellence of which was, that of admitting a perpetual reform.

He saw nothing in any human institution so very sacred as not to admit of being touched or looked at; in his opinion, the permanency of the constitution must depend upon what the people thought of it, and before they could have any great reverence for it, it was necessary they should be convinced that the voice of their representatives was in unison with their own. He did not chuse to make any invidious reference to past circumstances. If it was to be understood that the House of Commons should be the organ of the public voice, he must say that he could not help wishing that no minister might again advise the sovereign to disregard the address of the House of Commons, because it did not speak the voice of the people. Mr. Fox here alluded to the chancellor of the exchequer's conduct in the year 1784, when the House of Commons addressed the king not to dissolve the parliament at that alarming crisis. He could not, he said, conceive any thing more dangerous than such a practice. He here took a view of the present administration, and the history of it, as applicable to the present subject, and confessed that there was a great deal of the right honourable gentleman's speech that he did not understand, when compared with some of his former declarations.

Much had been insisted, although obliquely, as to the supposed terrific situation of France, upon which he should observe, that the old government was so detestable, that the most moderate man he ever heard in his life had agreed, that if it could be proved that great improvements might not be introduced into it, the whole of it ought to be overthrown at once;

the Revolution therefore was justified, and therefore there did not appear to him so much danger from the supposed contagion of their example; to dread similar danger we should be in similar circumstances, which was nothing like the case. Why, then, should we shut the door against reform? Whenever he heard speeches on the dreadful situation of the French, (tolerably well exaggerated by the way, in the accounts we received of their calamities, and of the defectiveness of the present form of their government,) he always thought they preceded expressions of disapprobation of all reform in this country. If it was true that the people of this country felt grievances, and really wished for a parliamentary reform, they had a right to have it; if, on the contrary, there were no such grievances, nor any such wishes, his honourable friend was in the right to give this notice; it afforded time to inquire into the facts, and called on the public for attention to the object. At all events, it was proper that attention should be called to these things, and he believed it would turn out to be the general opinion, that a reform was wanting; for he believed it to be a principle which attended all human institutions, that unless they were amended, they would naturally become worse—that whatever was not improved must naturally degenerate.

He might be asked, Mr. Fox said, why his name was not in the list of the society for reform? His reason was, that though he saw great and enormous grievances, he did not see the remedy. Had his honourable friend consulted him, he should have hesitated before he recommended him to take the part he had taken; having, however, taken it, he could not see why the present period was improper for the discussion. The right honourable gentleman, he thought, had in his warmth out-run himself, when he held forth Great Britain as the only power exempted from despotism and anarchy, and in possession of undisturbed liberty. France, Mr. Fox said, had entirely changed a detestable government. Poland, he hoped the right honourable gentleman would not maintain, was under a despotism; and he would make a false statement if he asserted that America was not in the full enjoyment of liberty—a liberty which had produced justice, commerce, wealth, and prosperity. The world he believed to be rapidly improving in science, in knowledge, and in virtue; and as philosophy was spreading her light around every part of the globe, England alone, he hoped, would not remain without improvement, and enveloped in the darkness of bigotry. Our constitution he admired, and particularly that principle of it which admitted of every improvement being grafted upon it safely. The crown, Mr. Fox said, had

been curtailed of its prerogave, the Lords had had their privileges abridged, and the Commons, within his memory, had also had their privileges abridged; he saw no danger, therefore, in continued reform, and had no difficulty in declaring himself a friend to improvement of every kind. He concluded with observing, that he wished the public to know the real object of this notice, namely, to call their attention to the subject of a reform in the representation of the people in parliament.

In answer to what fell from Mr. Burke, who reprobated in vehement language the proposed reform,

Mr. Fox said, that he must explain, in a few words, three points on which the right honourable gentleman had misunderstood him. The first was not very material; it was, that though he had mentioned Mr. Paine's book as a libel on the constitution, he had not used the terms "infamous and seditious," which the right honourable gentleman applied to it. The next was, that when he had mentioned confidence, it was without any personal allusion to the right honourable gentleman opposite, but to the king's ministers for the time, conceiving the confidence of late so much required by the executive power as very unconstitutional and destructive. The third was, that he had not said that a parliamentary reform could be no remedy to existing grievances, but that he had heard of no specific mode of reform that he was convinced would be a proper remedy. Mr. Fox said, he had read but one of Mr. Paine's pamphlets, and that he did not approve it, and from what he had heard of the other, he was inclined to think, that he should not approve of that either; but he was not certain whether they had not done good, by leading men to consider of the constitution. In like manner the book of his right honourable friend, (Mr. Burke,) which he disliked as much as either of them, had, he believed, done some good, because, in his opinion, whatever led to a discussion of the subject must be of service.

Abuses committed at the Westminster Election—Conduct of Mr. Rose.

May 8.

Mr. Fox moved, "That the petition of the electors of Westminster, presented on the 4th of April, praying an inquiry into the reported interference of persons high in office in the election for Westminster, and into the alleged abuse of the excise and lottery laws, by a remission of penalties, &c. be read." It was accordingly read by the clerk, and signed by upwards of one thousand electors. It stated the circumstances of the case, as they appeared against Mr. Rose in a trial between him and Mr. Smith, the publican, in Westminster, before Lord Kenyon and a special jury, in the court of king's bench; the abuses of the excise fine; the suffering a person of the name of Hoskins to avoid the penalty of the lottery, and get out of prison on sham bail, on undertaking to poll sixty persons for Lord Hood; the part which Mr. Rose was said to have taken in this business;—the whole, in the opinion of the petitioners, totally subversive of the rights of election, &c., praying that an inquiry might be had, and such steps taken, as to the justice of the House might seem meet.

Mr. Fox said, he should apprise the House, as concisely as he could, of the points on which he should submit the matter of the petition to them. It appeared to him, that this question was, in many views, a very important one. First, it was important that the people of this country should feel a general satisfaction with respect to the execution of the laws, particularly of laws which, to say the least of them, were in themselves hostile and oppressive, and their institution defensible only on the public principle of state necessity and safety. Secondly, it was important that the people should feel and be convinced that their representatives conducted themselves as they ought to do; especially that they took care to prevent the abuses of the law. And as to the abuses of the law, this was not the time for him to enter into general observations on the laws of excise, it was enough for him to say, that he had opposed their extension with as much, and as uniform, zeal and ardor, as the House had lately thought it fitting and proper. With respect to the other part of the law alluded to in the petition, the lottery, he should only say, that this also was not a very popular one, and therefore the less fit to admit of abuse. The lottery, like the excise, was a measure arising out of state necessity, and therefore the public had a right to expect that the officers of the crown would

never suffer abuses to take place in it; and that whatever regulations were made to prevent the mischief, which would otherwise attend a lottery, should be punctually enforced. In this view of the case, it became highly material for the people of this country to have reason to think that this law, which became so necessary for the produce of the revenue, was faithfully applied to that purpose, and not for any unfair practices of election-influence and corruption.

It appeared, he said, on the face of the petition just read to the House, that there were the strongest grounds of suspecting that Mr. Rose, the secretary to the treasury, had made use of this law for election-influence and corruption. He should not blame an interference in the capacity of private individuals at an election; but when persons interfered openly in the character of servants of the government of this country, it was monstrous, and what the people should not suffer. It appeared also, that while Mr. Smith, the publican, acted for the servants of government at the election, the penalty of the excise, of which he had been convicted, was not levied; but when he changed that character of service into a claimant of a sum of money for his trouble, the penalty was levied on him. Were these mere assertions? Did the House require evidence of them? There was evidence, and that of the very best kind, the record of a court of justice: there was farther, and collateral evidence. An honourable member of that House, who represented the town of Liverpool, had given some information on the subject; he had given some account of a correspondence between Mr. Smith the publican and the honourable secretary to the treasury; therefore the House had enough, if they wished to consult evidence upon the subject, before they came to a vote for inquiry into the whole case.

But he had much more than this to urge. This was the conduct of Mr. Rose himself. When accused on a former day, of these dishonourable practices, he rose for the purpose, as he said, of giving a complete account of the whole business, such as would satisfy every man in the House, that there was not the least colour or pretence for charging him with any of the practices imputed to him. But how did he do this? First he denied the truth of the charge, and then said he had refuted it; consequently, that there was no ground for inquiry. As a specimen of his accuracy, he was proved in the first and most material part to be totally mistaken. He said, with regard to the publican's petition, praying the excise fine might not be levied, that he did in that case what he always did in every other of that nature, and nothing more—transmitted it to the commissioners. But this was quite short of the fact; and when he was told—"You yourself are accused besides

of sending a letter to two gentlemen of the excise, Mr. Vivian and another, and you have promoted a meeting between them and Mr. Smith, at the very time when this fine hung over his head, and the meeting actually took place—and that too at your own house." "Oh, yes," said he, "I recollect there was something of a meeting—I kept horses with Smith." That this meeting—at this time—in this place—between these parties—under these circumstances—might possibly be an innocent one, was what some very charitable man might be induced to hope; but when we knew that the right honourable gentleman had interfered on a former occasion in this very business, as well as in others, and that it had been so proved in a court of justice, the argument in this instance might be very much against him. But he would suppose, for the sake of argument, that although these things made the deepest impression upon him, they had no weight with others. He would then say, that none but a guilty man would shun an inquiry. An honest man would wish for and demand an inquiry, when once accused. The more particularly so, when it was on a subject connected with government. Indeed, he believed there was no instance whatever on the journals of parliament, where, in a case like this, an inquiry was refused. He remembered, he said, an inquiry having been called for in that House by Mr. Shove, which afterwards, instead of being shunned, was solicited by a relation of his, and was boldly met. Why? Because it was known that nothing could be proved upon the subject. But here the case was reversed. An inquiry was refused, because every thing could be proved upon the subject. There were other instances of inquiries in the course of the short time he had had the honour of forming a part of the administration of this country, and all he could say was, that he was happy none of them had been shunned or refused; he was glad that his honourable friends had acted as they had done.

The next head of this petition was that of the lottery; in which it was offered to be proved, in point of fact it was proved, that a person of the name of Hoskins had been charged with a penalty under the lottery act, and was in consequence of it a prisoner; that he applied to a person high in office for his discharge, stipulating that if his request was complied with, he would poll sixty votes for Lord Hood at the Westminster election; that the person to whom this offer was made did not think himself at liberty to conclude the bargain, but applied to the highest authority; this highest authority assented to the proposal, and this prisoner was accordingly discharged, through the medium of sham bail procured for that purpose. But the answer to this was: You do not name this

high authority. His answer again to this was a plain one—he did not name him because he did not know who he was—but this much was clear, that the whole of the bill for this business was paid by one of the lords of the admiralty. All that he could add on it was, that there was ample ground for inquiry, even in this year of opposition to inquiry; a year in which there had been more resistance to fair and candid inquiry than in any other two sessions of parliament he remembered. The old ground of objection was, that there should be no inquiry unless there was an assurance that something material would be proved. Now, he would pledge his existence upon the proof. It was proved that John Hoskins was discharged upon sham bail, on his undertaking to poll sixty votes for Lord Hood. It was proved, that this very transaction was paid for by Lord Hood in this very session of parliament. There was written evidence upon this very subject. With regard to the connection of government with this subject, had we not heard of compromises of various kinds, made between Lord Hood and his solicitor, upon an action brought upon his solicitor's bill; and had not Lord Hood undertaken to pay that solicitor a large sum of money, for his services in the Westminster election, provided he would give up certain papers, and that one of these very papers was of the hand-writing of his majesty's chancellor of the exchequer, upon the subject of the Westminster election? He inferred from this paper, that the solicitor of Lord Hood was in connection with the chancellor of the exchequer; and that he used his interest at the Westminster election. He had a right to use his personal interest at any election, and there might be no harm in his corresponding with the solicitor of his friend; but the existence of such an intercourse gave a good deal of weight to an assertion, that such a solicitor must suppose himself acting under something more than the bare and personal authority of an individual upon the subject.

He therefore thought that, for the sake of decency, it was right the public should see that the laws which operated so harshly, were made for the good of the public revenue, and that they should know that those laws had not been abused for the purposes of corruption; or, that if they had, the House of Commons were determined to punish, and not to screen the persons who were guilty. That House was, or ought to be, the representative body of the people of England; and as such, they ought to take all things relative to elections under their consideration. That House had often been called the grand judicature to regulate elections. They had always acted in that character. They were called the guardians and protectors of their own privileges. They had fre-

quently taken up matters relative to elections, and decided them. They had disfranchised the people of Shoreham. They had committed persons to Newgate upon proof of corruption at elections. Should it be said, that corruption at elections was a guilt for which the vulgar only were to be punished, and which the great might employ with impunity? Should we say, that the lower order of society, naturally more open to temptation, should be punished with severity, for an act which was totally to be overlooked in their superiors? He hoped and trusted the House of Commons would not say so. It was true that this business had been once decided; and he admitted, that there was not much new ground that day. But without saying much of that decision, he would just observe, that it was an instance which, from its peculiar nature, he should chuse in preference almost to any other, if it were his wish to calumniate the present administration, and to indulge the spleen of party feeling. The truth was, he sought no such advantage; he took this point upon a much broader and more liberal principle. There still were those in this country, who thought it essential to the safety of it, that there should be a House of Commons who did their duty to the public; that sentiment alone would have made him wish to bring this subject again before the House for their deliberation, and those whom he had the honour to represent had thought it worth their while to instruct him with their sense on this subject. He now gave the House of Commons an opportunity to revise their judgment, and, if possible, to regain their credit. He thought an inquiry necessary, for the honour of the House, and the satisfaction of the public. He therefore moved, "That the said petition be referred to the consideration of a committee; and that they do examine the matter thereof; and report the same, as it shall appear to them, to the House."

The House divided on Mr. Fox's motion, without any debate:

	Tellers.			*Tellers.*	
Yeas	Mr. Francis, Mr. Thompson	34.	Noes	Mr. J. Smyth, Mr. Jenkinson	81.

So it passed in the negative.

MR. FOX'S MOTION FOR LEAVE TO BRING IN A BILL TO REPEAL CERTAIN PENAL STATUTES RESPECTING RELIGIOUS OPINIONS.

May 11.

THE order of the day being read,

Mr. Fox rose, and called the attention of the House to the business of which he had given notice, relative to the repeal of certain penal statutes respecting religious opinions. He said, he had the satisfaction to hope, that the mode in which he should propose to discuss this subject could not fairly be said to involve considerations of government, as had been alleged on former occasions, with regard to some topics which he had brought forward. The measure which he should recommend on this occasion was, in his opinion, not only fit in a country where the constitution was free, but such as he should recommend even in a state where the government was despotic, because it was founded on justice, and was perfectly safe in policy. If, then, he should have little doubt of the propriety of the measure, even were the appeal made to a despotic prince, how much more confident ought he to be of success, where the application was made to a British parliament. From a constitution so good, good fruits were to be expected.

The subject he meant to bring forward, was one on which much had been written, and with regard to which, abstractedly considered, almost all mankind agreed—this was toleration. All agreed that toleration was in itself abstractedly just. But difficulties had arisen in the minds of some persons, though in his own there never had; these difficulties had arisen as to the application of the principles of toleration. Much of this difficulty was thrown in his way when he formerly moved for the repeal of the test and corporation acts. He appealed to those who opposed him at that time, whether they did not do so upon the ground he had stated. They alledged, that though toleration itself abstractedly was a matter of justice, yet to extend it at that time, under the then existing circumstances, to the persons on whose behalf he urged it, was politically unsafe. He was now therefore ready to confess, although he lamented the necessity of it, that for the present he had abandoned the idea of a repeal of the corporation and test

acts. He should, however, not fail to renew that application whenever he should have the least encouragement or prospect of success. It had been said by some persons, that although toleration was of itself abstractedly matter of justice, yet, that in political speculation it should never be allowed to intrench upon, or endanger existing establishments. The converse of this appeared to him to be true policy, and that no defence of any establishment whatever should be built on principles repugnant to toleration. Toleration was not to be regarded as a thing convenient and useful to a state, but a thing in itself essentially right and just. He, therefore, laid it down as his principle, that those who lived in a state where there was an establishment of religion, could fairly be bound only by that part of the establishment which was consistent with the pure principles of toleration. What were those principles? On what were they founded? On the fundamental, unalienable rights of man. It was true there were some rights which man should give up for the sake of securing others in a state of society. But it was true also, that he should give up but a portion of his natural rights in order that he might have a government for the protection of the remainder. But to call on man to give up his religious rights, was to call on him to do that which was impossible. He would say that no state could compel it — no state ought to require it, because it was not in the power of man to comply with that requisition.

But, there were those who said, although a man could not help his opinions, yet that, unless under certain restrictions, they ought not to be made public; for that whatever rights a man naturally had, he gave them all up when he came into society, and that therefore religious liberty, among the rest, must be modified for the good of society; so that by the liberty of man was meant nothing more than that which was convenient to the state in which he lived, and under this idea penalties on religion were deemed expedient. This he took to be a radical error, and for the reason he had assigned already — that it was not in the power of man to surrender his opinion, and therefore the society which demanded him to make this sacrifice, demanded an impossibility. What, then, did this lead to? That no man should be deprived of any part of his liberty, with respect to his opinions, unless his actions derived from such opinions were clearly prejudicial to the state. There were three different situations in which a man might be placed in regard to religion — a total indifference to it, as was the case with the pagan world before christianity was known, and also with those who did not now believe it. Upon this, he referred the House to the History of the De-

cline and Fall of the Roman Empire, written by an honourable gentleman, who was once a member of that House; he had said, that persecution in the pagans was less criminal than in christians, because the pagans had not the same doctrines that the christians had to teach them the principles of toleration. Another situation that diminished the cruelty of persecution, or rather rendered it less criminal, was, a state of popery; for these deluded persons, in the time of bigotry, thought, that by persecuting those who differed from them, they were serving the cause of truth and justice; that God had inspired them with the true religion, and that they were serving him, while they were destroying their fellow beings: although these practices were deplorable, yet as they were the mere effects of ignorance, the principle on which they proceeded diminished the criminality of persecution. The third state was, that in which we now were. The people of this country were neither indifferent about religion, nor were they blindly attached to any particular faith; they were not pagans, nor popish bigots. For us there was no excuse for persecution. We knew full well that religion was founded on a principle that should not, could not, be subject to any human power. There was a maxim, which had been a thousand and a thousand times repeated, and yet by some as often forgotten, although there were not two opinions as to its propriety and justice, "Do as you would be done by." Would the members of the establishment be tried by this maxim? Would they submit to be governed by principles which they themselves inculcated; or would they proudly and impiously say, that they were sure theirs was the only true religion, and that all who deviated from it were devoted to eternal torment?

In this country we were governed by King, Lords, and Commons. No man would contend, that any of these powers was infallible? Then why should the members of the established church proceed as if they were infallible? for so they did, if they claimed exclusive privileges, and enforced penalties on those who differed from them. Upon what principle was an establishment to be maintained at all? It was upon the principle of its being agreeable to the opinion of the majority of the people, and not, surely, upon the slightest pretence of infallibility. What should the members of the establishment say to those who differed from them, "You who differ from, as well as you who agree with us, are equal in rights, and have an equal title to enjoyments? We are neither pagans nor papists. We have learned to do as we would be done by. If we were to persecute you for your opinions, we should, for aught we know to the contrary, be perse-

cuting truth instead of falsehood. Come, then, let us each enjoy the freedom of our own mind, and equally participate of all social enjoyments." Persecution was a word so odious, and toleration a word so generally embraced, that two opinions were not entertained on either; and yet, strange to tell, much difference had arisen upon the application of them. The question, then, seemed first to be, What really was to be understood by toleration? He thought that in defining this word, and conveying the ideas which he annexed to it, he ought to go much farther than proving that it meant the total absence of persecution, and that to refuse to any man any civil right, and an equal participation of civil advantage, on account of his religious opinions, was in itself persecution.

On these general principles, he trusted that it was not necessary to dilate farther. The question now was, what was, and what was not toleration. In his own opinion, he declared, that toleration ought to go beyond abstinence from persecution; but on his own opinion alone he did not rely. He would quote the sentiments of a very eminent man, Archdeacon Paley, who had declared himself to be a friend to a complete toleration of all dissenters. The reverend divine, however, meant more than it was his intention at present to propose. His motion he confessed to be limited. A future and a fitter period might be found to introduce a measure whose verge would be more ample, more extensive, and consequently more complete. Many persons opposed unlimited toleration from an apprehension that it might prove injurious to the state. To such he begged leave to say, that they ought first to be well convinced that it really would produce that effect.

The most moderate and the most enlightened men in this country, and those, too, members of the establishment, were friends to general toleration. Indeed, the right honourable the chancellor of the exchequer himself last year stood pledged to support the principle of general toleration, and had said that it was a matter not of favour, but of right, and that whether it should be granted, was only a question of justice. What was the principle of persecution? The condemnation of a man before he had committed a breach of the law. A principle which compelled us to live in a constant state of hypocrisy towards God and man; for it called on those who did not believe in the doctrines of the church of England to give a constant attendance at divine service, and subscribe to the ceremonies of the church. This was commanding hypocrisy by authority. It was ordaining by law, that a man shall pursue that form of religion here which, in his mind, is to insure his eternal damnation hereafter. By this

we said to a father: You shall not teach your son that religion which in your soul you believe is to secure his eternal happiness. You are to chuse, either to teach him no religion at all, or to teach him that by which you believe he will be damned to eternity. This was the true spirit of persecution. And was it the fact? Most unquestionably it was the case in the law with regard to catholics. In the opinion of some, there once was an occasion for these statutes; in his opinion, there never was, nor would they have been adequate to the end proposed if there had; but now there was not the shadow of excuse, for it had ceased. The most dangerous periods, the reigns of Elizabeth and James, did not justify even one of the penal statutes that existed. If such times, therefore, did not justify them, what argument could be used for their existence now?

Sometimes attempts were made to defend the principle of persecution, by considering it as a mode of preventing the mischief that might arise from a propagation of erroneous religious opinions; it was alledged that it was the business of a statesman to consider the effect of any religious opinion, and in that view, whatever appeared to him as dangerous to the state, he ought to prevent. The first part of this doctrine, namely, that of assuming any mode of religion to be wrong, was begging the question; but he must protest against the whole of this mode of argument. We had no right to construe what actions are to follow opinions. We should weigh actions before we pretend to judge of them at all. In order that we should guess what actions are likely to follow opinions, we should ourselves first have entertained those opinions; or if we guess at all, we ought to guess on the favourable side. But, it was said, there were no commands in the church which might not safely be obeyed; or at least the church of England was the safeguard of the state. Was this the fact? Was it not possible for a man to become a very bad citizen, even by implicitly obeying the doctrine of the church of England itself? Most unquestionably it was; for the church of England taught us, that we were to make no resistance to the commands of the magistrate, although they should be unlawful, or even unnatural; the doctrine was passive obedience and non-resistance, and consequences were to be left to a future state; this was the doctrine of James the Second; this, it was true, was not now the law, but it was still the doctrine of the church, and thus, by being a good churchman, a person might become a bad citizen. What was the result of all this? That, as in the established church there was so much error, that it could not be obeyed totally, without breach of moral obligation and even of positive law, (for a man might be punished for obedience to the illegal commands of a legal

master,) it was the essence of injustice to persecute any person for omitting to conform to this established religion.

The old answer, he said, to all these arguments was, that the laws were obsolete, and that therefore the hardship was ideal. To this he must say, that what was claimed by the unitarians and socinians was nothing more than justice; and that there could be no great harm in removing from the statute book that which we were either afraid or ashamed to inforce. Of the doctrines of Arius, Arminius, and Socinus, he did not mean to enter into a discussion, because he was certain they did not in the smallest degree affect the state. It was not therefore the duty of the legislature to interfere. The persons for whom he now interceded were unitarians, some following the doctrines of Arius, others of Socinus. They intreated of the House, not to establish them, but to relieve them from statutes of pain and punishment. If these statutes were too bad to be put in practice, they ought not to be suffered to exist.

An assertion had gone forth, of the existence of a party who wished to overturn the constitution. In order to counteract any such intentions, it ought to be the care of the House to banish all those imperfections which tended to disgrace and to injure the beautiful fabric. If a stranger wished to learn the constitution of Great Britain, he would seek for it in her laws. What would he say, when he discovered that the statutes of Elizabeth against catholics, and of William against unitarians, were still suffered to exist? Would he be satisfied with the information, that they were never used? No. He would contend, that if they were not used they ought to be repealed. Still, however, even the non-execution of them produced the worst effects, insomuch as it tended to divide the people, and to afford some ground for the invectives of bigotted churchmen.

Previous to the year 1641, four persons professing unitarian doctrines had been burnt. Subsequent to that period lived Mr. Peeble, who was considered as the founder of unitarianism; he suffered persecution for his religious opinions from Cromwell and Charles the Second, and though his character was unexceptionable, the persecution against him did not in the smallest degree relax. But though the unitarians were not now persecuted by the legislature, they were in a manner under the lash of divines of the established church. Dr. South, in speaking of them, had traced their pedigree from wretch to wretch, back to the devil himself. These descendants of the devil were his clients. This was the language of former days. More modern times had produced greater moderation; still, however, invective had not ceased.

Dr. Halifax, speaking of Dr. Priestley, had said, that now he had stated his opinions, he had completed his crimes. Thus a declaration of an opinion had been gravely asserted to be criminal. Posterior to Dr. Halifax, Dr. Horsley had contended, that even the moral good of the unitarians was sin; and however they served God, loved their kindred, and relieved the distressed, they were sinful because they were heretics.

To tell men in this situation that they were not persecuted, was to offer them the grossest of all insults. Adverting to recent events, would any man assert, that the Birmingham riots were not the effect of religious bigotry and persecution? Some had maintained, that the people revolted not against Dr. Priestley's religion, but his political opinions. Granted, for the sake of argument: but, could the publication of his sentiments be more imprudent than those of a member of the church of England? This, therefore, he maintained to be an argument in proof of the existence of persecution against the unitarians, insomuch as the same mode of conduct adopted by two men had produced opposite effects, merely on account of the difference of their religious attachments. Having completed the statement, little more remained for him to do than to state the particular acts which he wished to be repealed.

It had been observed by some, and would perhaps be advanced that night, that as far as regards the catholics at least, persecution was at an end, from the bill which passed lately in their favour. But here it should be remembered, that a certain oath was required to be taken; to this oath he believed there was no objection amongst any of the catholics; but were gentlemen aware, that among the poorer sort, many, from negligence and from economy, for some of them must travel a considerable distance before they came to a magistrate, would omit the taking of this oath; the consequence was, that themselves and posterity were liable to all the penalties and disabilities of the ancient statutes. He then exposed the absurdity of continuing these laws after all pretext for them was at an end. He believed that if the House were to speak out fairly, there would be less objection, on constitutional sentiments, to the admission of catholics into it than dissenters. For himself, he objected to neither; but he believed that those who did object, feared more the principles of dissenters who had, than those of catholics who had not, the right of sitting in that House; the one class were supposed to be republicans, the other were distinguished for an attachment to monarchy. The truth was, that there was no just or rational objection to either, and the effect of exclusion was hurtful to the community; for a man's virtues and abilities

were the objects we ought to look to; his attachment to the welfare of the country, and not his speculative opinions upon religion, ought to entitle him to a seat in that House, or in any other office that might be serviceable to the state. Indeed, all these absurd, as well as unjust prohibitory statutes, were very destructive to the public welfare. And here he could not help taking notice also of the marriage-act — an act to which he was radically so much an enemy, that he should, whenever he had the least encouragement, make a third attempt to obtain its repeal. He had made two, and had succeeded in that House, but had always been thwarted in the House of Lords. The day, he hoped, would arrive, when he should have better fortune with their lordships. The marriage-act it was his wish to alter in that part which provided an exemption only for Jews and quakers. The necessity of a more ample exemption he proved from the case of two women confined in Nottingham jail, for non-compliance with the provisions of the marriage-act. In short, he declared it to be his wish to extirpate heresy by the old method of fire; not, however, by burning victims, but by burning the various noxious acts. He observed, it was with reluctance he gave up the repeal of the test and corporation acts. He did so in compliance with what he must take the liberty of calling the prejudice and groundless timidity of that House; and as he could not at once gain complete justice, he would take it by piecemeal as well as he could. He must, by the way, be allowed to observe, that he was fully persuaded, nor had he ever heard any thing that shook his opinion, that the test and corporation acts proceeded from the very essence of persecution and injustice. He might be asked, whether he would leave any punishment whatever for the publication of ribaldry or ridicule? To this there was no answer necessary, as there was no law against it which he should propose to alter. The laws he meant, were against the publication of advised speaking: advised speaking, was solemn speaking; it was what a parent said to his child — it was what his conscience taught him to be truth.

Mr. Fox concluded with intreating the House to reflect on the injustice of preventing any man from interpreting the scripture in his own way, on the barbarous, inhuman cruelty of saying to a man, "Read the scriptures, study them, make them the guide and rule of your action and opinion; but take care you interpret them as the professors of the church of England do, or else you shall be deprived of all the enjoyments which belong to a man in a social state. Read attentively, and understand clearly the whole of the scriptures; but take care, in understanding them, you understand exactly

as we do, or else you shall lose all the benefits of a member of society, every thing that is dear and valuable to you." This was more unjust than even the practice of the ancient catholics, praying in an unknown tongue, and refusing to the professors of the christian religion a perusal of the book on which christianity was founded. The church of Rome directed us to obey the precepts of a mild religion, which tended to make us good citizens without reading. The church of England compelled us to read, but forbad us to judge. He should now move for the repeal of many of those statutes. Many more remained, he had no doubt, and would hereafter be repealed. The reason why he preferred this mode to that of bringing forward any particular enacting law, was, that in making a new law, we knew not what would be the effect, but in repealing a bad law, we knew we did nothing more than justice. He then moved, first, "That the different statutes of the 9th and 10th of King William, entitled An act for the more effectual suppressing of blasphemy and profaneness, the 1st of Edward VI. chap. 1.; the 1st of Queen Mary, chap. 3.; the 14th and 15th of Elizabeth, &c. &c. be read;" which being done, he then moved, "That leave be given to bring in a bill to repeal and alter sundry provisions of the said acts."

The motion was strongly opposed by Mr. Burke and Mr. Pitt; and supported by Lord North, Mr. W. Smith, and others.

Mr. Fox rose to reply. He said, he never was so happy as in having that day an opportunity to avail himself of the indulgence which the House generally gave to the mover of a question; at the same time, he had been very uneasy during the greater part of the debate, and particularly towards the close of it. He had, indeed, heard, before he came in, that his motion was likely to be opposed, but what the grounds of opposition were to be, he had not the least idea of. Now, however, all was out: for the right honourable gentleman on the bench with him (Mr. Burke) had, circuitously, and the right honourable gentleman opposite, directly, opposed every principle and system of toleration, in a manner that he never could have expected from either of them in that House. It was not his intention to follow the first right honourable gentleman through all the extraneous matter he had introduced; for, certainly, his motion had nothing to do with France, which it was the fashion with some gentlemen to cram into every debate. His opinions of the French revolution were precisely the same now that they ever had been. He considered that event as highly important and advantageous to

this country, and to the world in general; and that right honourable gentleman knew his disposition too well, to suppose that any temporary or accidental defeat that the French might suffer in their struggle for liberty, would stagger his mind with regard to their success in the result. Such accidental defeats were to be expected at the commencement of such wars, and when attacks were made by raw and undisciplined troops; but those defeats would not be decisive; and such had been, as the right honourable gentleman well knew, their mutual opinions during the American war. He had heard of treachery, perfidy, and unprovoked rebellion, and the demolition of one of the king's fortresses, in high terms; and though he had been told that no two-legged animal could be found, who would credit the old women's stories about the Bastile, he would acknowledge himself to be that animal. He knew the right honourable gentleman's taste for poetry, and when the Bastile was mentioned, a description of it came to his mind, as given by one of the first of our modern poets, the amiable Cowper, in his poem of The Task:

" Ye horrid towers, th' abode of broken hearts,
Ye dungeons, and ye cages of despair,
That monarchs have supplied, from age to age,
With music such as suits their sovereign ears,
The sighs and groans of miserable men!
There's not an English heart that would not leap
To hear that ye were fallen at last; to know
That even our enemies, so oft' employ'd
In forging chains for us, themselves were free.
'Tis the cause of man.
There dwell the most forlorn of human kind,
Immur'd though unaccus'd, condemn'd untry'd,
Cruelly spared, and hopeless of escape. ——
Oh, comfortless existence! hemm'd around
With woes which who that suffers would not kneel
And beg for exile, or the pangs of death? —
That man should thus encroach on fellow man,
Abridge him of his just and native rights,
Eradicate him, tear him from his hold
Upon th' endearments of domestic life
And social, nip his fruitfulness, and use
And doom him, for perhaps an heedless word,
To barrenness, and solitude, and tears,
Moves indignation." ——

After having repeated these lines, he added, in the language of the poet, that there was not an English heart which would not leap to hear that this monument of arbitrary power, this abode of wretchedness and despair, had now fallen. With

respect to Paine's book, Mr. Fox observed, that he had called it a libel, but not an infamous one; it was a libel on the constitution of Great Britain — the right honourable gentleman's book was a libel on every free constitution in the world. The French revolution he had particularly avoided touching on. He knew not why Dr. Priestley, because he approved of the French revolution, should be liable to punishment from the circumstance of his being an unitarian, and that he (Mr. Fox) should be exempted from punishment who was of the same opinion, but was a trinitarian. He had never before heard the Birmingham riot defended. He did not think that the merits of any question ought to be decided by the conduct of an individual. Some of Dr. Priestley's works he had read; in his religious writings he had found nothing of politics, and his political works seemed free from religion. Mr. Fox noticed the circumstance of Mr. Burke's having, he believed, last session, on the catholic bill, declared a wish, that all the sanguinary laws inflicting death in matters of religion were repealed. The right honourable gentleman, indeed, might have altered his opinion, as he had lately done, very suddenly, on various topics. The idea that repealing the statutes would give scandal to the people, as rendering them liable to the imputation of indifference to the religion of the country, Mr. Fox considered as weak and unfounded. The pagans, he observed, might have said the same with respect to the christians. No measure of toleration was ever known to have originated with the bishops, and on the subject before the House they were the last persons to be consulted. Mr. Fox adduced some strong facts in support of this observation. He had within the last three years paid particular attention to the subject, and had read considerably upon it, and he was, from the completest conviction, a firm friend to religious establishments. With regard to the times, he did not think that popular prejudice should deter the House from giving their opinion on the subject; the House, he observed, of late seemed inclined to become the slave of popularity. When he considered the various books that had been published, and reflected on the manner in which the Birmingham rioters had been punished, he thought there appeared to be a violent high-church spirit in the country. If gentlemen saw danger abroad, he thought they ought to step forward and endeavour to crush it; for his part he feared none. Mr. Fox concluded with declaring, that he hoped and trusted, that the subject of toleration would be renewed as often as could be, convinced as he was, that the more it was discussed the more its justice would be perceived and acknowledged.

The House divided on Mr. Fox's motion:

	Tellers.			*Tellers.*	
Yeas	Mr. Grey, Mr. Adam	63.	Noes	Mr. Neville, Mr. Mitford	142.

So it passed in the negative.

Middlesex Justices' Bill.

April 17.

On the 16th of March a bill had been brought in by Mr. Burton, "for the more effectual administration of the office of a justice of peace in such parts of the county of Middlesex as lie in and near the metropolis." The plan of this bill was, to open five different offices in the metropolis, at a convenient distance from each other, for the prompt administration of those parts of justice within the cognizance of justices of the peace. Three justices were to sit in each of these offices, with a salary of 300l. a-year to each of them. They were to be prohibited from the taking of fees individually; and the money from the fees, paid into all the offices, was to be collected and applied to the payment of their salaries and official expences. In order, at the same time, wholly to suppress the name and business of a trading justice, no fees were henceforward to be taken by any one in the commission of the peace within the London district. — On the second reading of the bill upon the 17th of April,

Mr. Fox said, he did not object to the bill now, understanding that it was to be discussed on a future occasion. He had not had all the instruction he wished and hoped to have from his constituents on this subject. But as the bill appeared, there seemed to him to be two objections to it; one, that it would do no good whatever; the other, that it was likely to do some mischief. He did not know whether the objections taken to this bill were unanswerable or not, but he was sure they had not been answered, and therefore he should be glad that another discussion should take place, in order that the promoters of the bill might have an opportunity to improve their arguments. With regard to the patronage which this bill was supposed to create, it would certainly be thrown into that scale, and add weight to that which, in his opinion, was already much too heavy, and which he never wished, and now he would not be suspected to wish, to be the heaviest. The magistrates who were to act under this bill were to be appointed by the king; they were to receive offices of profit, for salaries were to be given. Now this was patronage,

and patronage of great consequence too; for although the king had the appointment, the whole management of it was under the immediate direction and controul of the minister, who had also the appointment of these trading justices. Now, he wished to know what the security was which the public had, that any benefit whatever would result from this bill? What security was there, that he who appointed these trading justices, who were now said to be unworthy of their station, would appoint men of better character or capacity to succeed them? There was the same person to appoint both, with the same motives to influence his appointment, namely, patronage. He did not think it in the least degree likely that these persons would be better appointed than their predecessors. However, he should not make any opposition now, but reserve what he had to say for the next discussion.

May 18.

On the order of the day for the further consideration of the report of the committee on the bill,

Mr. Fox rose briefly to state his objections to the bill. It contained, he said, a dangerous innovation in principle. The police of this country was well administered in the ordinary mode by gentlemen who undertook to discharge the duty without deriving any emolument from it, and in the safest way to the freedom of the subject, because those gentlemen being under no particular obligation to the executive power, could have no particular interest in perverting the law to oppression. To appoint a set of justices with salaries from government, and consequently to a certain degree, under influence, was to change the long-established practice, and to introduce a new principle, which might be indefinitely extended under various pretexts, and the effects of which no man could foresee. A sufficient case had not been made out to warrant such a change. It was not even shewn that the bill would remedy the abuses alledged as the ground for bringing it in. It contained a clause, enabling these new magistrates to bring persons before them to inquire into their characters and intentions, and commit them to prison on such an enquiry. This was a power pregnant with abuse; and as those who were likely to be the objects of it, the lower classes of the people, had seldom the means of applying for redress against abuse of power, they were entitled to the peculiar protection of the legislature in every law, by which they could be affected. On these grounds, that a sufficient case had not been made

out to warrant a departure from the general practice, and that the bill might, perhaps, be a greater evil than that which it was intended to remove, he hoped the House would take farther time to consider of it, and would therefore move, "that the second reading of the amendments be postponed for three months."

Mr. Fox was ably supported by Mr. Windham, who said that the bill was a direct innovation in point of practice, for it was well known that the office of justice was executed all over England gratuitously. The discretionary powers granted to justices of the peace were in many cases exorbitant, and to be endured only in consideration of the persons to whom they were granted. Was it fit, he asked, to grant all these powers, and more, to a new description of magistrates appointed by, and receiving salaries from, the crown?—The House divided on Mr. Fox's motion:

	Tellers.			*Tellers.*	
YEAS	Sir James Erskine Lord North	37.	NOES	Mr. Burton Mr. John Smyth	50.

So it passed in the negative.

May 23.

After the bill had been read a third time, Mr. Powys said that he meant to oppose clause D, which ran in these words: "And whereas divers ill-disposed and suspected persons, and reputed thieves, frequent the avenues to places of public resort, and the streets, and highways, with intent to commit felony on the persons and property of his majesty's subjects there being, and although their evil purposes are sufficiently manifest, the power of his majesty's justices of the peace to demand of them sureties for their good behaviour hath not been of sufficient effect to prevent them from carrying their evil purposes into execution; be it enacted by the authority aforesaid, that from and after the 11th day of June 1792, it shall and may be lawful for any constable, headborough, patrole, or watchman, to apprehend every such person, and convey him or them before any justice of the peace, and if it shall appear before the said justice, upon the oath of one or more credible witness or witnesses, that such person or persons is or are a person or persons of evil fame, and a reputed thief or thieves, and such person or persons shall not be able to give a satisfactory account of himself or themselves, and of his or their way of living; every such person shall be deemed a rogue and vagabond, within the intent and meaning of the statute made in the seventeenth year of his late majesty King George the Second, intituled 'An act to amend and make more effectual the laws relating to rogues and vagabonds, and other idle and disorderly persons, and to houses of correction:' provided always, that if any person shall think himself aggrieved by the judgment of such justice aforesaid, such person may appeal to the justices of the

peace at the next general or quarter sessions of the peace to be held for the county or place wherein the cause of complaint shall have arisen, such person at the time of his conviction entering into a recognizance, with two sufficient sureties conditioned personally to appear at the said sessions, to try such appeal, and to abide the further judgment of the justices at such sessions assembled."

Mr. Powys said, that the clause had been introduced in a manner that called for animadversion, since it had originally been no part of the bill, and appeared to him to be such as ought to have been introduced on the authority of a special instruction. The object of the clause was to find out new objects for justice, persons called reputed thieves. What was the definition of a reputed thief? He understood none else but persons detected in the perpetration of some crime, and convicted of the same. It struck him that the clause introduced a new principle, and put them into a new situation. He would therefore move, that all the words, down to the words "such persons shall," be left out.—Mr. Windham said, that his great objection to the clause was, that it introduced a new principle, and reversed the usual order of things. If they were to punish men, not for acts which they committed, but for those which they intended to commit, it appeared to him as unnatural as if the hare were to chase the hounds. The clause was calculated to protect noblemen, gentlemen, and the rich only. The poor alone were to suffer by it. Should they countenance an attack directed against men who could not defend themselves? Ought they to agree to let a man be apprehended and sent to prison, merely on the general fact, that such man was thought a thief, and that he was seen at the door of a public place.—After the clause had been defended by Mr. Burton,

Mr. Fox said, he certainly never felt himself more completely convinced of any thing in his life, than that the House ought not to adopt the clause now before them. It was against every principle of criminal justice, and altogether repugnant to the very essence of the law of England. The learned gentleman who had just favoured the House with his sentiments, had said, that the principle of it was not new, and had entered into the recital of several authorities. If he had not come down in time to know the subject of debate, he should have thought the learned gentleman was about to move for the repeal of those sanguinary statutes, and that he was enforcing the propriety of that repeal by a strenuous exertion of his reason, as well as his talents for ridicule. The learned gentleman was pleased to have recourse to the wisdom of antiquity upon this subject, and to adduce the authority of an act of parliament passed in the reign of Edward the First. Mr. Fox said, he thought that at this day the people of this country knew pretty nearly as well as those who lived in the reign of Edward the First, the proportion which punishments

ought to bear to crimes, and what consideration ought to be given to the liberty of the subject. But it was a libel on the act called the statute of Winchester to compare it to this clause. By that statute persons were taken up upon suspicion, and kept until they were cleared in due course of law, implying thereby, that when they were cleared, they could not be accused again, and that they were afterwards entitled to their freedom. But here they might be taken up on suspicion, and, after they were discharged, taken up again upon the same suspicion, and punished again by the same authority, without a specific act proved against them. Another observation was on the recital of this statute, which was quoted as an authority. If it was now in force, why was it not put into execution? Why enact in another act of parliament, introduced avowedly for another purpose, a principle founded upon a statute now unrepealed?

As to the authority of Sir Matthew Hale, which the learned gentleman had quoted to prove, that if there was a bad report given of a man, and that supported by evidence, that a person acquitted by a jury should still remain in custody, on the order of the judge, until he should have given bail for his good behaviour; if there was such a law, and there might be such a practice, that might be a considerable additional reason why he (Mr. Fox) should next session make application to that House for leave to bring in a bill to repeal such law, and put an end to such practice as, being a disgrace to England, ought to be repealed. But, he thought that the general principle, and the bent of the practice of the law was otherwise, and that a man when acquitted by a jury was not only entitled to his discharge from the offence with which he was charged, but that in the eye of the law he stood as aloof, even from suspicion, as if he had never been accused; and he must observe also, that suspicion was a principle so little known in the law of England, and even in the practice of it, that courts never heard evidence of the badness of a prisoner's character. As to certain sanguinary statutes that were to be found in our laws, he had always been of opinion that to leave them standing in our code was a disgrace to our statute-book—that their inhumanity was manifest, their absurdity ridiculous; and that to attempt to execute some of them would be a daring mockery of common sense, and would rouse the indignation of the public. And should he, then, be told, that these precedents supported the principle of the clause in question, that the introduction of it was no novelty? Why, there was no injustice, inhumanity, cruelty or infamy that could be said to be quite novel. There was a statute against rogues and vagabonds under the title of notorious rogues and vagabonds in the

counties of Cumberland and Northumberland, declaring them felons without benefit of clergy. That question had been debated in that House, and by his exertion, and the very able support of a noble friend of his, (Lord Porchester,) that House had passed a bill for the repeal of that act, being of opinion, that to be a rogue and a vagabond in Cumberland and Northumberland, was no greater offence than in Middlesex or any other county: and that a man should not be hanged for it in one place, while he was only whipped for it in another. However, the peers had greater reverence for antiquity, and more profound discernment with respect to the nature and character of a notorious rogue in Cumberland than the House of Commons, and therefore the bill of repeal was rejected by their lordships. He knew of another act of parliament, by which a man for being companion with gypsies for a month, was declared a felon without benefit of clergy, and it was of equal authority with those quoted by the learned gentleman.

The whole of the question fairly to be argued, was — Are the persons to be affected by this clause, guilty of offence or not? The learned gentleman said they were notoriously known. How notoriously known? Nothing could be known that had not happened. Nothing by law could be said to have happened as a breach of that law that could not be proved. It was on this principle, that every man in England was declared innocent, until he was pronounced by law to be guilty. Had these men committed a felony or not? If they had, bring them to a court of judicature, prove their guilt, and pronounce them guilty. But we cannot prove them guilty!— then, by law, they are innocent. No man should, in a country governed by laws, be permitted to say, I know what I cannot prove; more especially, I will imprison a man for what I know I cannot prove, merely because he is in a situation that will not enable him to procure bail. Nay farther, I will whip him because he is unfortunate and distressed. This was the very essence of injustice, and would disgrace the most odious principles of a despot. There was nothing in the late detested government of France that was so odious — a government so universally abhorred — and should England imitate such a government? Let a man, if you think him guilty, be tried by a jury, and then justice will be done both to him and to the public; but do not let a magistrate supersede a jury — nay more, inflict punishment on a man whom a jury would acquit upon a principle acknowledged in the clause in question; for it was admitted it was to operate on none but those who could not be proved to be guilty.

As to the distinction which the learned gentleman was pleased to make between gentlemen and a class of poor men,

he could not bring his mind to approve of it. He should be very sorry to have his pocket picked because he was a gentleman, and that the law would afford him no protection because he was a gentleman. The truth was, and reason, justice, and common sense taught it, the richest man in England should have neither more nor less, but exactly as much protection by the law, as the poorest. All distinction was unknown in the protection and benefit of the law of England; and whenever a clause was brought into any act of parliament to make a distinction between persons, it was an attack upon the best principle in our constitution, namely, that the law is no respecter of persons. Another part of the speech of the learned gentleman, which conveyed an assurance to the House that the prisons in this country were so conducted that the prisoners were improved in their morals, after remaining there for some time, he was glad to hear, and wished the people of this country might be as ready to believe it, as he believed they were at present pretty generally confident of the contrary. The truth was, that this clause was against the fundamental principles of law, against the fundamental principles of justice. It was a clause to degrade and disgrace the law of England — to injure, harass, and oppress its subjects — to inflict punishment where there there was no guilt — for where none could be proved, none existed by the law of England. The clause had been unfairly and insidiously introduced into the bill; for the bill was opened as a bill to improve the office of justice of the peace in certain parts of the metropolis, and the House gave leave to bring it in under that impression. It might as well be brought in as a clause in a revenue bill as in this. It was a clause that reversed the fundamental principle of the criminal law of England — That innocence must be presumed, where guilt cannot be proved.

Mr. Powys's motion was rejected, on a division, by 114 against 36. The bill was then passed.

Address on the King's Proclamation against Seditious Writings.

May 25.

IN the early part of this year the attorney-general was directed to file an information against Mr. Paine for his publication entitled "Rights of Man;" which was accordingly done in Easter term, and, on the 21st of May was issued a proclamation,

against the publication and sale of seditious writings, with strong injunctions to all persons to inform against those who should be guilty of such offence. The proclamation having been laid before the House, Sir R. P. Arden, the master of the rolls, moved, on the 25th, an address of approbation and support to his majesty. The address was opposed by Mr. Grey with much warmth, and the proclamation itself condemned in severe terms as a measure insidious and pernicious. The "diligent enquiry" enjoined by the proclamation after the authors and distributers of wicked and seditious writings, could only tend to establish an odious and arbitrary system of espionage. This was the system which had made the old government of France so much the object of general detestation, and it was a system unworthy of the sovereign of a free people to recommend. Mr. Grey strongly intimated his belief, that the real object of the proclamation was merely to discredit the late association of the Friends of the People, in the view of the public. The measure, he said, was insidiously contrived, and adopted with no other view than to separate those who had been so long connected. It was a measure concerted by him whose greatest delight was to see discord supersede harmony among those who opposed his measures. Never was there a man in that House who delighted more in these sinister practices than the right honourable the chancellor of the exchequer. He whose whole political life had been a tissue of inconsistency, of assertion and retraction; he who never proposed a measure without intending to delude his hearers, who promised every thing and performed nothing, who studied all the arts of obtaining popularity, without ever intending to deserve it, who was a complete apostate from the first step of his political career, down to the present moment, and whose political malignity was now to be crowned, by an endeavour to separate the dearest friends. As to the part he had taken, he was ready to answer for it whenever called upon; and whether he should differ from, or agree with, most of those with whom he had the pleasure to act, he should always entertain the same sentiments of esteem for them. Still more particularly must he acknowledge the friendship and favor he had received from Mr. Fox; a man whom he had too much affection for to flatter—a man whose virtues he could never forget, nor the honour he derived from his acquaintance—*Dum memor ipse mei*—a man, who though placed in a situation of extreme delicacy, between friends of different opinions, and for whom he had an equal degree of affection, yet, even in such a situation, had manifested an elevation of soul, a dignity of deportment, a nobility of principle, a consistency of conduct, that cast a lustre on his unrivalled talents, and adorned his virtues. He should now move the following amendment:

"That an humble Address be presented to his majesty, to thank his majesty for the gracious communication he has been pleased to make to this House of his majesty's royal proclamation: to assure his majesty that his faithful commons will be at all times ready to manifest their attachment to his majesty's royal family and person, and to that happy constitution of this country as established at the time of the glorious revolution, by openly resisting, to the utmost

of their power and ability, wherever they may appear, any attempts which aim at the subversion of all regular government within this kingdom, and which are inconsistent with the peace and order of society. To assure his majesty, that his faithful commons most cordially participate in the gracious sentiments expressed by his majesty; and that there is nothing they so earnestly desire, as to secure the public peace and prosperity; and to preserve to a loyal people the full enjoyment of their rights, both religious and civil. That they are confident this benevolent desire cannot be defeated, when they consider his majesty's paternal care and regard for his people; and the fixed attachment which his majesty's faithful subjects bear to the happy form of our government, and the genuine principles of the constitution. These his majesty's faithful commons cherish as objects of just affection; not from any implicit reverence, or habitual superstition, but as institutions best calculated to secure the blessings of liberty and order; and because they are convinced, that on them the wealth, happiness, and prosperity of this kingdom, under Divine Providence, chiefly depend: humbly to represent to his majesty, that if any wicked and seditious writings have been printed, published, and industriously dispersed, tending to excite tumult and disorder, by endeavouring to raise groundless jealousies and discontents in the minds of his majesty's faithful and loving subjects, respecting the laws and happy constitution of government, civil and religious, established in this kingdom, and endeavouring to villify and bring into contempt the wise and wholesome provisions made at the glorious revolution; that his majesty's faithful commons, at the same time that they cannot help expressing their strongest disapprobation of all such proceedings, humbly conceive that his majesty's government is already vested with sufficient powers to punish any open violation of the laws; and that if any writings, which his majesty's ministers consider as proper objects of prosecution, have, for any length of time, been published and circulated, without notice, the said ministers have been guilty of criminal neglect, in not sooner instituting prosecutions, for the purpose of bringing to punishment the authors of such publications: farther to represent to his majesty, that if upon this ground alone his majesty had been advised to issue his royal proclamation, his majesty's faithful commons, with the firmest confidence in his majesty's gracious and benevolent intentions, feel themselves in duty bound humbly to express their regret, that his majesty should have been induced to take a measure, which, under such circumstances, they cannot but regard as unnecessary, and which may produce the effect of exciting groundless alarms and suspicions in the minds of his majesty's faithful and loving people: to assure his majesty, that his faithful commons are always ready zealously to concur with his majesty in such measures as may be found most effectual for the suppression of all riots, tumults, or other disorders, on whatever pretexts they may be grounded, as well as to use all legal means for the prevention of similar disorders in future: to express to his majesty the deep regret that his majesty's faithful commons felt at the tumults and disorders which took place at Birmingham in the course of the

last summer, to the disgrace of all good government, the utter subversion of law, and the destruction of the security and property of his majesty's most faithful subjects. Humbly to suggest to his majesty, as the surest means of averting the calamities inseparable from such disorders in future, and of discouraging and suppressing the lawless violence which gave occasion to them, the expediency of proceeding, with all the severity of the law, against such persons as may have been instrumental in aiding and abetting the said riots, who have not already been punished; and particularly to express their earnest wish, that speedy measures may be taken for the prosecution and punishment of such magistrates, as upon the aforesaid melancholy occasion, may appear to have been guilty of gross and criminal neglect in the discharge of their duty: these sentiments, dictated by an unfeigned love for his majesty's royal person and illustrious house, an anxious regard for the peace and happiness of the country, and a steady and zealous attachment to the true principles of our happy constitution of government in church and state, his majesty's faithful commons have thought it their duty to lay at the foot of the throne, humbly hoping that his majesty will be pleased to take them into his most gracious consideration, as the sentiments of men who have no interest but to preserve that freedom which is the birthright of all Englishmen, and who look to no means of doing so, but in the maintenance of good order, and a steady adherence and dutiful submission to the laws."

The original address was supported by Lord North, Mr. Baker, the Marquis of Titchfield, Mr Anstruther, Mr. Windham, Mr. Thomas Grenville, Mr. Secretary Dundas, Mr. Powys, Mr. Pitt, and others. The amendment was supported by Mr. Martin, Mr. Curwen, Mr. Courtenay, the Earl of Wycomb, Lord John Russell, Mr. William Adam, Mr. Francis, Major Maitland, Mr. Whitbread, Mr. Lambton, and Mr. Fox.—Mr. Windham said, the pain of differing with many of those with whom he had the pleasure of concurring in general, was alleviated by the consideration that their difference was but on a single point, of means, not ends, of speculation rather than of practice. When this debate was at an end, on all other topics, to his own great happiness, and the ultimate interest of the country, they should act as cordially together as if no such difference had ever existed.

Mr. Fox said, that from delicacy to friends truly dear to him, he could have wished not to have been obliged to give any other than his vote upon this question; but as there was not likely to be a division, perhaps it might go forth into the country that he agreed with the sentiments of several persons on this subject, with whom it was his honour and happiness generally to act. He thought himself bound, therefore, to declare that he could not give his consent to a measure of which he totally and completely disapproved, as impolitic, unwise, and alarming. He disapproved of the proclamation, because it was insidious and ambiguous, because it evidently had

other purposes than those which it professed, and because it had all the features of that craft which belonged to the quarter from whence it came. Was it directed against Mr. Paine's book, the author and publisher of which were known? If so, why desire to discover the author and publishers? If it had a direct purpose, why not directly and unequivocally state it? Why, because it was the insidious intention to throw forth unnecessary alarm, and vague aspersions, that they might make it speak a different language to the country than that which they explained in this House. It was declared here not to be directed against the association of the Friends of the People, whatever aspect it might wear out of doors, and no measure that he ever saw had more the characteristic features of deceit and delusion than this proclamation. It might be asked, why, then, had some of his particular friends supported ministers in the measure? He would explicitly answer the question; they were, very unhappily for the country, made the dupes of the deep and artful design which ministers had in view. They were the dupes, from their sincere opinion, that a reform in the representation was not only not called for by any necessity, but would not be a good nor a wise measure; and that the agitation of the question would lead to uproar and mischief. In this opinion, which they entertained zealously and honestly, they had been led to engage, in this instance, with men very different from themselves; as different as despotism and tyranny from freedom and happiness — as honesty and frankness, and honour and openness from cheating and fraud. Indeed, he himself stood in a very serious predicament; between friends on the one hand and on the other, who had all got into strange company. He himself had not signed the declaration upon which the Friends of the People had associated, and he could not subscribe to the principles upon which others of his friends supported the measure of this proclamation. On both sides there was a meeting of disjointed associations. In the year 1782, he remembered there was a meeting at the Thatched House, when the right honourable Mr. Pitt, the Duke of Richmond, Major Cartwright and Mr. Horne Tooke, all agreed to certain resolutions of reform. Now, by a strange association, one set of his friends had got into company with the two first of these four, and another set with the two last. The Friends of the People had disclaimed the imputation upon them, that they were connected with Mr. Cartwright and Mr. Tooke's doctrines: but we had no disclaimer of the others. The right honourable gentleman and the Duke of Richmond had thought proper to change their opinions on the subject of reform; and not merely to change their opinions, but the right honourable

gentleman had brought forth a proclamation, and the noble duke was to head a camp, against it. He did not mean to say it was singular that the right honourable gentleman should change his sentiments upon any subject; he was so much in the habit of doing so upon all subjects, that one would think he had a patent for retraction, and a monopoly for change. There were few subjects upon which he had not utterly changed. Last year he had told the House, that we must have an expensive armament, because the country was in danger from the alarming attempt of Russia to obtain Oczakow: and this year finding the country against him, he assured us we were in perfect safety, Russia having obtained the very place which made our danger. Last year he had said that we ought to repeal the penal statutes, as ignominious and disgraceful: this year he says, they ought to be preserved for edification, and to prevent scandal.

There was a passage, he said, in the proclamation which particularly struck him. It was this, that "the prosperity of the country depends on a just confidence in the integrity and wisdom of parliament." What must his friends think of such an expression as this coming from a ministry who had begun their career by declaring to the country that they ought not to have confidence in the integrity and wisdom of parliament? Did they not all recollect, that when the right honourable gentleman found the sense of that House against him, he advised his majesty not to pay respect to the wisdom and integrity of that House, but to dissolve them, and to shew the country that they ought not to have confidence but in him personally? To give the true meaning to this expression, therefore, there should be added these words: "As long as the parliament shall act agreeably to the king's executive government." So long and no longer were the people taught to have confidence in them. O admirable lesson to hold out to the country! O admirable doctrine to the parliament itself! Obey, and you shall be honoured with the titles of integrity and wisdom. Disobey, and you shall be dissolved, and branded with corruption and folly.

The plain intention of this proclamation was, to strive to make a division between that great body of united patriots, known by the name of the Whig interest; a party, the firm union of which he considered as of the utmost consequence, as, indeed, essential to the maintenance of the constitution. He knew of no plan so good, no object so desirable, as their firm union; and he was proud to say, that to divide them was impossible. They might think differently on particular subjects; but, united on principles so salutary for the nation, no arts, however insidious, could prevail in dividing them.

To effect this division the proclamation was intended, and not the writings of which it spoke. Those writings had been long before the public. The Associations of Manchester, and the Society for Constitutional Information, had long been formed, and if any alarm had been entertained of them, long ago the measures ought to have been taken. But, in truth, they made the alarm by this proclamation, and if riots were to be provoked, they were likely to be riots on the other side; for in all the riots that had happened, the cry of church and king was the pretence. Surely, then, the amendment of his honourable friend, mentioning the riots at Birmingham was proper, unless ministers wished to take up a party, and countenance a faction. It was not, in his opinion, a republican spirit that we had to dread in this country; there was no tincture of republicanism in the country. If there was any prevailing tendency to riot, it was on the other side. It was the high church spirit, and an indisposition to all reform, which marked, more than any thing else, the temper of the times, and surely if they looked back to the year 1780, or to the late riots at Birmingham, they would find that high church frenzy was the cause. When had the dissenters made a riot? As Swift had sarcastically said of the Whigs, that "he would not say that all Whigs were infidels, but he was sure that all infidels were staunch thorough-paced Whigs," so, though he could not say that all churchmen were rioters, yet it was certain that all the late rioters had been churchmen; and this intolerant and persecuting spirit had been made particularly manifest in the late riot at Birmingham, where, as they might see from the admirable book of his learned and dear friend, Dr. Parr, there were instances of want of the common feelings of honour and decency, in men with the education and rank of gentlemen.

Mr. Fox concluded with a warm and feeling allusion to the friends of his political life, from whose side he would never separate, to whose opinions he had often yielded fair objects of personal ambition, but whose union he considered so essential to the public good, that though, in the prosecution of their system, they were without hope of favour from the crown, and without thanks from the people, he knew and felt that they would have the reward of their own consciences and hearts; rewards that, to honest minds, were ample and satisfactory.

Mr. Pitt charged Mr. Fox with being the only person who saw no danger in the writings and doctrines which had recently gained ground. He could not, he said, reconcile such conduct with any spark of patriotism.

Mr. Fox defended himself against the imputations cast on him by the right honourable gentleman. He had accused him of not seeing danger in these writings and doctrines. He avowed that he did not see danger, because he knew that the good sense and constitutional spirit of the people of this country were a sure protection against the impolitic and absurd theories which were alluded to. And this had been uniformly the opinion of the right honourable gentleman himself, until he saw, or thought he saw, the means of stirring up division between the friends of freedom. The insinuation, that he must be actuated by motives hostile to the constitution, he would not condescend to reply to. Every measure of his life was a sufficient answer to a charge so little becoming the right honourable gentleman who made it. Let the right honourable gentleman, if he could, point out a single act that would justify the assertion!

The House sat till four in the morning, when the address proposed by the master of the rolls was agreed to without a division.

MR. FOX'S AMENDMENTS TO THE ADDRESS ON THE KING'S SPEECH AT THE OPENING OF THE SESSION.

December 13.

THE session was this day opened by his majesty, with the following speech to both Houses:

"My lords, and gentlemen; having judged it necessary to embody a part of the militia of this kingdom, I have, in pursuance of the provisions of the law, called you together within the time limited for that purpose, and it is on every account a great satisfaction to me to meet you in parliament at this conjuncture.—I should have been happy if I could have announced to you the secure and undisturbed continuance of all the blessings which my subjects have derived from a state of tranquillity; but events have recently occurred which require our united vigilance and exertion, in order to preserve the advantages which we have hitherto enjoyed.—The seditious practices which had been in a great measure checked by your firm and explicit declaration in the last session, and by the general concurrence of my people in the same sentiments, have of late been more openly renewed, and with increased activity. A spirit of tumult and disorder (the natural consequence of such practices) has shewn itself in acts of riot and insurrection, which required the interposition of a military force in support of the civil magistrate. The industry employed to excite

discontent on various pretexts, and in different parts of the kingdom, has appeared to proceed from a design to attempt the destruction of our happy constitution, and the subversion of all order and government; and this design has evidently been pursued in connection and concert with persons in foreign countries.—I have carefully observed a strict neutrality in the present war on the continent, and have uniformly abstained from any interference with respect to the internal affairs of France; but it is impossible for me to see, without the most serious uneasiness, the strong and increasing indications which have appeared there of an intention to excite disturbances in other countries, to disregard the rights of neutral nations, and to pursue views of conquest and aggrandisement, as well as to adopt towards my allies the States General, (who have observed the same neutrality with myself,) measures which are neither comformable to the law of nations, nor to the positive stipulations of existing treaties. Under all these circumstances, I have felt it my indispensable duty to have recourse to those means of prevention and internal defence with which I am entrusted by law; and I have also thought it right to take steps for making some augmentation of my naval and military force, being persuaded that these exertions are necessary in the present state of affairs, and are best calculated both to maintain internal tranquillity, and to render a firm and temperate conduct effectual for preserving the blessings of peace.—Nothing will be neglected on my part that can contribute to that important object consistently with the security of my kingdoms, and with the faithful performance of engagements which we are bound equally by interest and honour to fulfil.

"Gentlemen of the House of Commons; I have ordered the estimates for the ensuing year to be laid before you; and I have no doubt that you will be ready to make a due provision for the several branches of the public service.—You will certainly join with me in lamenting any necessity for extraordinary expences, which may for a time prevent the application of additional sums beyond those which are already annually appropriated to the reduction of the public debt, or retard the relief which my subjects might have derived from a further diminution of taxes: but I am confident you will feel that those great ends will ultimately be best promoted by such exertions as are necessary for our present and future safety and tranquillity; and it is a great consolation to me to reflect, that you will find ample resources for effectually defraying the expence of vigorous preparations, from the excess of the actual revenue beyond the ordinary expenditure.

"My lords, and gentlemen; I have great pleasure in acquainting you, that the brilliant successes of the British arms in India, under the able conduct of the Marquis Cornwallis, have led to the termination of the war by an advantageous and honourable peace, the terms of which are peculiarly satisfactory to me, from their tendency to secure the future tranquillity of the British dominions in that part of the world.—Your attention will now naturally be directed to such measures for the future government of those valuable possessions as shall appear, from experience and full

consideration, most likely to provide for their internal prosperity, and to secure the important advantages which may be derived from thence to the commerce and revenue of this country.—I am persuaded that it will be the object of your immediate consideration to adopt such measures as may be necessary, under the present circumstances, for enforcing obedience to the laws, and for repressing every attempt to disturb the peace and tranquillity of these kingdoms.—You will be sensible how much depends on the result of your deliberations, and your uniform conduct is the best pledge that nothing will be wanting on your part which can contribute to the present security and permanent advantage of the country.—I retain a deep and unalterable sense of the repeated proofs which I have received of your cordial and affectionate attachment to me; and I place an entire reliance on the continuance of those sentiments, as well as on your firm determination to defend and maintain that constitution which has so long protected the liberties and promoted the happiness of every class of my subjects.—In endeavouring to preserve and to transmit to posterity the inestimable blessings which, under the favour of Providence, you have yourselves experienced, you may be assured of my zealous and cordial co-operation; and our joint efforts will, I doubt not, be rendered completely effectual, by the decided support of a free and loyal people."

An address, in approbation of the speech, was moved by Sir James Saunderson, the Lord Mayor of London, and seconded by Mr. Wallace. The Earl of Wycombe opposed the address, on the ground of its being, in a great measure, unintelligible to him; though he should not hesitate to say, that the speech calumniated the people of England; who, instead of discovering any symptoms of insurrection, were, at that moment, overflowing with loyalty. He believed, that with respect to forms of government, there might be different opinions held in England; but they were merely speculative; and ought not to occasion any alarm to the ministers of the crown, unless they were called forth into action, and made the ground-work of active measures. As soon as the noble earl had concluded,

Mr. Fox rose and said:—Although, Sir, what has fallen from the noble earl behind me contains the substance of almost all that I have to offer, and although it must have produced the effects which good sense, truth, and solid argument never fail to produce on a great body, the tacit acknowledgment of all who heard him, insomuch, that no one seemed ready to venture to rise up in answer to the noble earl, yet I cannot avoid offering my opinion on the present most critical and most alarming occasion. I am not so little acquainted with the nature of man, as not to know, that in public speaking, in order to engage the attention of the hearers, besides the efficacy of fair and candid reasoning, a man ought always to be in temper and unison with his au-

dience. He ought to shew, that however they may differ upon points, they are still pursuing in reality the same object, namely, the love of truth. With this object in view, I shall, Sir, state explicitly what are my sentiments on the subjects now presented to our notice by the speech from the throne. And first, I state it to be my conviction, that we are assembled at the most critical and momentous crisis, not only that I have ever known, but that I have ever read of in the history of this country — a crisis not merely interesting to ourselves but to all nations; and that on the conduct of parliament at this crisis depends not only the fate of the British constitution, but the future happiness of mankind.

His majesty's speech, Sir, is full of a variety of assertions, or perhaps I should not make use of the word assertions, without adding, that it has also a variety of insinuations conveyed in the shape of assertions, which must impress every man with the most imminent apprehensions for the safety of every thing that is justly dear to Englishmen. It is our first duty to inquire into the truth of these assertions and insinuations so conveyed to us from the throne. I am sure I need not recur to the old parliamentary usage of declaring, that when I speak of the king's speech, I mean to be considered as speaking of the speech of the minister, since no one, I trust, will impute to me a want of due and sincere respect for his majesty. It is the speech which his majesty has been advised, by his confidential servants, to deliver from the throne. They are responsible for every letter of it, and to them and them only, every observation is addressed. I state it, therefore, to be my firm opinion, that there is not one fact asserted in his majesty's speech which is not false — not one assertion or insinuation which is not unfounded. Nay, I cannot be so uncandid as to believe, that even the ministers themselves think them true. This charge upon his majesty's ministers is of so serious a kind, that I do not pronounce it lightly; and I desire that gentlemen will go fairly into the consideration of the subject, and manifest the proper spirit of the representatives of the people in such a moment. What the noble earl said is most strictly true. The great, prominent feature of the speech is, that it is an intolerable calumny on the people of Great Britain; an insinuation of so gross and so black a nature, that it demands the strictest inquiry, and the most severe punishment.

The next assertion is, that there exists at this moment an insurrection in this kingdom. An insurrection! Where is it? Where has it reared its head? Good God! an insurrection in Great Britian! No wonder that the militia were called out, and parliament assembled in the extraordinary

way in which they have been. But where is it? Two gentlemen have delivered sentiments in commendation and illustration of the speech; and yet, though this insurrection has existed for fourteen days, they have given us no light whatever, no clue, no information where to find it. The right honourable magistrate tells us, that, in his high municipal situation, he has received certain information which he does not think proper to communicate to us. This is really carrying the doctrine of confidence to a length indeed. Not content with ministers leading the House of Commons into the most extravagant and embarrassing situations, under the blind cover of confidence, we are now told that a municipal magistrate has information of an insurrection, which he does not chuse to lay before the Commons of England, but which he assures us is sufficient to justify the alarm that has spread over the whole country! The honourable gentleman who seconded the motion tells us, that the "insurrections are too notorious to be described." Such is the information which we receive from the right honourable magistrate, and the honourable gentleman, who have been selected to move and second the address. I will take upon me to say, Sir, that it is not the notoriety of the insurrections which prevents those gentlemen from communicating to us the particulars, but their non-existence.

The speech goes on in the same strain of calumny and falsehood, and says, "the industry employed to excite discontent on various pretexts, and in different parts of the kingdom, has appeared to proceed from a design to attempt the destruction of our happy constitution, and the subversion of all order and government." I beseech gentlemen to consider the import of these words, and I demand of their honour and truth, if they believe this assertion to be founded in fact. There have been, as I understand, and as every one must have heard, some slight riots in different parts of the country, but I ask them, were not the various pretexts of these different tumults false, and used only to cover an attempt to destroy our happy constitution? I have heard of a tumult at Shields, of another at Leith, of some riot at Yarmouth, and of something of the same nature at Perth and Dundee. I ask gentlemen if they believe that in each of these places the avowed object of the complaint of the people, was not the real one — that the sailors at Shields, Yarmouth, &c. did not really want some increase of their wages, but were actuated by a design of overthrowing the constitution? Is there a man in England who believes this insinuation to be true? And in like manner of every other meeting, to which, in the present spirit, men may give the name of tumultuous assem-

bling. I desire to know if there has been discovered any motive other than their open and avowed one. And yet, with this conviction in our minds, we are called upon to declare directly our belief and persuasion that these things are so. We are called upon to join in the libel upon our constituents. The answer to the speech says, that we know of the tumult and disorder, but as to the actual insurrection, it more modestly makes us say, "that we are sorry to hear there is an insurrection:" Of the tumults and disorders, then, we have personal knowledge; but the insurrection we learn from his majesty's speech!

I do not wish to enter at length into the affairs of France, which form the next prominent passage in his majesty's speech; but though I do not desire to enter at length into this part, I cannot conceal my sentiments on certain doctrines which I have heard this night. The honourable gentleman who seconded the motion thought proper to say, as a proof that there existed a dangerous spirit in this country, that it was manifested "by the drooping and dejected aspect of many persons, when the tidings of Dumourier's surrender arrived in England." What, Sir, is this to be considered as a sign of discontent, and of a preference to republican doctrines? That men should droop and be dejected in their spirits, when they heard that the armies of despotism had triumphed over an army fighting for liberty; if such dejection be a proof that men are discontented with the constitution of England, and leagued with foreigners in an attempt to destroy it, I give myself up to my country as a guilty man, for I freely confess, that when I heard of the surrender or retreat of Dumourier, and that there was a probability of the triumph of the armies of Austria and Prussia over the liberties of France, my spirits drooped, and I was dejected. What, Sir, could any man who loves the constitution of England, who feels its principles in his heart, wish success to the Duke of Brunswick, after reading a manifesto *

* The following is a copy of the Duke of Brunswick's Manifesto:

"When their majesties the Emperor and the King of Prussia entrusted me with the command of their armies, which have since entered France, and rendered me the organ of their intentions, expressed in the two declarations of the 25th and 27th of July 1792, their majesties were incapable of supposing the scenes of horror which have preceded and brought on the imprisonment of the royal family of France. Such enormities, of which the history of the most barbarous nations hardly furnishes an example, were not, however, the ultimate point to which the same audacious demagogues aspired.

"The suppression of the king's functions, which had been reserved to him by the constitution (so long boasted as expressing the national wish)

which violated every doctrine that Englishmen hold sacred, which trampled under foot every principle of justice and humanity and freedom and true government; and upon which the combined armies entered the kingdom of France, with which they had nothing to do; and when he heard, or thought that he saw a probability of their success, could any man possessing true British feelings be other than dejected? I honestly confess, Sir, that I never felt more sincere gloom and dejection in my life; for I saw in the triumph of that conspiracy, not merely the ruin of liberty in France, but the

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was the last crime of the National Assembly, and which has brought on France the two dreadful scourges of war and anarchy There is but one step more necessary to perpetuate those evils; and a thoughtless caprice, the forerunner of the fall of nations, has overwhelmed those who qualify themselves the substitutes of the nation, to confirm its happiness and rights on the most solid basis. The first decree of their convention was the abolition of royalty in France; and the unqualified acclamations of a few individuals, some of whom are strangers, has been thought of sufficient weight to overbalance the opinions of fourteen centuries, during which the French monarchy has existed.

"This proceeding, at which only the enemies of France could rejoice, if they could suppose its effects lasting is directly contrary to the firm resolution which their majesties the Emperor and the King of Prussia have adopted, and from which they will never depart,—that of restoring his Most Christian Majesty to his liberty, safety, and royal dignity, or to take exemplary vengeance on those who dare to continue their insults.

"For these reasons, the undersigned declares to the French nation in general, and to every individual in particular, that their majesties the Emperor and the King of Prussia, invariably attached to the principle of not interfering in the internal government of France, persist equally in requiring that his Most Christian Majesty, and all the royal family shall be instantly set at liberty by those who now imprison them.—Their majesties insist also, that the royal dignity shall, without delay, be re-established in France in the person of Louis XVI. and his successors; and that measures may be taken in order that the royal dignity may not again be liable to the insult to which it is now subject. If the French nation have not entirely lost sight of their real interests, and if, free in their resolutions, they wish to end the calamities of war, which expose so many provinces to the evils inseparable from armies, they will not hesitate a moment to declare their acquiescence with the peremptory demands which I address to them in the name of the Emperor and King of Prussia; and which, if refused, must inevitably bring on this kingdom, lately so flourishing, new and more terrible misfortunes.

"The measures which the French nation may adopt, in consequence of this declaration, must either extend and perpetuate the dreadful effects of an unhappy war, in destroying, by the abolition of monarchy, the means of renewing the ancient connections which subsisted between France and the sovereigns of Europe, or those measures may open the way to negociations for the re-establishment of peace, order, and tranquillity, which those who name themselves the deputies of the national will are most interested in restoring speedily to the nation.

"C. F. DUKE OF BRUNSWICK LUNENBURG."

Hans, Sept. 28. 1792.

ruin of liberty in England; the ruin of the liberty of man. But, am I to be told that my sorrow was an evident proof of my being connected with the French nation, or with any persons in that nation, for the purpose of aiding them in creating discontents in England, or in making any attempt to destroy the British constitution? If such a conclusion were to be drawn from the dejection of those who are hostile to the maxims of tyranny, upon which the invasion of France was founded, what must we say of those men who acknowledge that they are sorry the invasion did not prosper? Am I to believe that the honourable gentleman, and all others, who confess their sorrow at the failure of Prussia and Austria, were connected with the courts in concert, and that a considerable body of persons in this country were actually in the horrid league formed against human liberty? Are we taught to bring this heavy charge against all those, whose spirits drooped on the reverse of the news, and when it turned out that it was not Dumourier, but the Duke of Brunswick who had retreated? No; he would not charge them with being confederates with the invaders of France; nor did they believe, nor could they believe, that the really constitutional men of England, who rejoiced at the overthrow of that horrid and profligate scheme, wished to draw therefrom any thing hostile to the established government of England.

But what, Sir, are the doctrines that they desire to set up by this insinuation of gloom and dejection? That Englishmen are not to dare to have any genuine feelings of their own; that they must not rejoice but by rule; that they must not think but by order; that no man shall dare to exercise his faculties in contemplating the objects that surround him, nor give way to the indulgence of his joy or grief in the emotions that they excite, but according to the instructions that he shall receive. That, in observing the events that happen to surrounding and neutral nations, he shall not dare to think whether they are favourable to the principles that contribute to the happiness of man, or the contrary; and that he must take, not merely his opinions, but his sensations from his majesty's ministers and their satellites for the time being! Sir, whenever the time shall come that the character and spirits of Englishmen are so subdued; when they shall consent to believe that every thing which happens around is indifferent both to their understandings and their hearts; and when they shall be brought to rejoice and grieve, just as it shall suit the taste, the caprice, or the ends of ministers, then I pronounce the constitution of this country to be extinct. We have read, Sir, of religious persecutions, of the implacable oppressions

of the Roman see, of the horrors of the inquisition of Spain; but so obdurate, so hard, so intolerable a scheme of cruelty, was never engendered in the mind of, much less practised by, any tyrant, spiritual or temporal. For see to what lengths they carry this system of intellectual oppression! "On various pretexts there have been tumults and disorders, but the true design was the destruction of our happy constitution." So says the speech; and mark the illustration of the right honourable magistrate: "There have been various societies established in the city of London, instituted for the plausible purpose of merely discussing constitutional questions, but which were really designed to propagate seditious doctrines." So, then, by this new scheme of tyranny, we are not to judge of the conduct of men by their overt acts, but are to arrogate to ourselves at once the province and the power of the Deity: we are to arraign a man for his secret thoughts, and to punish him, because we chuse to believe him guilty! "You tell me, indeed," says one of these municipal inquisitors, "that you meet for an honest purpose, but I know better: your plausible pretext shall not impose upon me: I know your seditious design: I will brand you for a traitor by my own proper authority." What innocence can be safe against such a power? What inquisitor of Spain, of ancient or of modern tyranny, can hold so lofty a tone? Well, and nobly and seasonably, has the noble earl said—and I would not weaken the sentiment by repeating it in terms less forcible than his own, but that eternal truth cannot suffer by the feebleness of the terms in which it is conveyed— "There are speculative people in this country, who disapprove of the system of our government, and there must be such men as long as the land is free; for it is of the very essence of freedom for men to differ upon speculative points." Is it possible to conceive, that it should enter into the imaginations of freemen to doubt this truth? The instant that the general sense of the people shall question this truth, and that opinion shall be held dependant on the will of ministers and magistrates, from that moment I date the extinction of our liberties as a people. Our constitution was not made, thank God! in a day. It is the result of gradual and progressive wisdom. Never has the protecting genius of England been either asleep or satisfied.

——"O but man, proud man!
Drest in a little brief authority,
Plays such fantastic tricks before high heaven,
As make the angels weep."

Now, it seems, the constitution is complete—now we are to stand still. We are to deride the practice and the wisdom of our forefathers: we are to elevate ourselves with the constitu-

tion in our hands, and to hold it forth to a wondering world as a model of human perfection. Away with all further improvement, for it is impossible! Away with all further amelioration of the state of man in society, for it is needless! Let no man touch this work of man; it is like the work of heaven, perfect in all its parts, and, unlike every other work of man, it is neither capable of perversion nor subject to decay! Such is the presumptuous language that we hear; and, not content with this haughty tone, they imitate the celebrated anathema of brother Peter, in the Tale of a Tub, and exclaim, "G—d confound you both eternally if you offer to believe otherwise."

Now this, Sir, is the crisis, which I think so truly alarming. We are come to the moment, when the question is, whether we shall give to the king, that is, to the executive government, complete power over our thoughts: whether we are to resign the exercise of our natural faculties to the ministers for the time being, or whether we shall maintain, that in England no man is criminal, but by the commission of overt acts forbidden by the law. This I call a crisis more imminent and tremendous than any that the history of this country ever exhibited. I am not so ignorant of the present state of men's minds, and of the ferment artfully created, as not to know that I am now advancing an opinion likely to be unpopular. It is not the first time that I have incurred the same hazard. But I am as ready to meet the current of popular opinion now running in favour of those high lay doctrines, as in the year 1783 I was to meet the opposite torrent, when it was said, that I wished to sacrifice the people to the crown. I will do now as I did then. I will act against the cry of the moment, in the confidence, that the good sense and reflection of the people will bear me out. I know well that there are societies who have published opinions, and circulated pamphlets, containing doctrines tending, if you please, to subvert our establishments. I say that they have done nothing unlawful in this; for these pamphlets have not been suppressed by law. Shew me the law that orders these books to be burnt, and I will acknowledge the illegality of their proceedings: but if there be no such law, you violate the law in acting without authority. You have taken upon you to do that for which you have no warrant; you have voted them to be guilty. What is the course prescribed by law? If any doctrines are published tending to subvert the constitution in church and state, you may take cognizance of the fact in a court of law. What have you done? Taken upon you by your own authority to suppress them—to erect every man, not merely into an inquisitor, but into a judge, a spy, an informer—to set father

against father, brother against brother, and neighbour against neighbour, and in this way you expect to maintain the peace and tranquillity of the country! You have gone upon the principles of slavery in all your proceedings: you neglect in your conduct the foundation of all legitimate government, the rights of the people: and, setting up this bugbear, you spread a panic for the very purpose of sanctifying this infringement, while, again, the very infringement engenders the evil which you dread. One extreme naturally leads to another. Those who dread republicanism, fly for shelter to the crown. Those who desire reform and are calumniated, are driven by despair to republicanism. And this is the evil that I dread!

These are the extremes into which these violent agitations hurry the people, to the gradual decrease of that middle order of men who shudder as much at republicanism on the one hand, as they do at despotism on the other. That middle order of men, who have hitherto preserved to this country all that is dear in life, I am sorry to say it, is daily lessening; but permit me to add, that while my feeble voice continues, it shall not be totally extinct; there shall at least be one man who will, in this ferment of extremes, preserve the centre point. I may be abused by one side, I may be libelled by the other; I may be branded at one and the same time with the terms of firebrand and lukewarm politician; but though I love popularity, and own that there is no external reward so dear to me as the good opinion and confidence of my fellow citizens, yet no temptation whatever shall ever induce me to join any association that has for its object a change in the basis of our constitution, or an extension of that basis beyond the just proportion. I will stand in the gap, and oppose myself to all the wild projects of a new-fangled theory, as much as against the monstrous iniquity of exploded doctrines. I conceive the latter to be more our present danger than the former. I see, not merely in the panic of the timorous, but in the acts of the designing, cause for alarm against the most abhorrent doctrines. The new associations have acted with little disguise. One of them, the association for preserving liberty and property against republicans and levellers, I must applaud for the sincerity of its practice. Mr. Chairman Reeves says, that they will not only *prosecute*, but they will *convince* men, and they recommend, among other publications, a hand-bill, entitled, "One Pennyworth of Truth from Thomas Bull to his brother John," in which, among other odd things, it is said, "Have you not read the Bible? Do you not know that it is there written, that kings are the Lord's anointed? But whoever heard of an anointed republic?" Such is the manner in which these associations are to "con-

vince" the minds of men! In the course of the present century, their recommendation would have been prosecuted as high treason. In the years 1715 and 1745, the person who dared to say that kings derived their power from divine right, would have been prosecuted for treason; and I ask if, even now, this is the way to inculcate the principles of genuine loyalty? No, Sir, thank God, the people of this country have a better ground of loyalty to the house of Brunswick than that of Divine right, namely, that they are the sovereigns of their own election; that their right is not derived from superstition, but from the choice of the people themselves; that it originated in the only genuine fountain of all royal power, the will of the many; and that it has been strengthened and confirmed by the experience of the blessings they have enjoyed, because the house of Brunswick has remembered the principles upon which they received the crown. It is rather extraordinary, Sir, that such language should be held at this precise moment: that it should be thought right to abuse republics, at the very moment that we are called upon to protect the republic of Holland. To spread the doctrine that kings only govern by divine right, may indispose your allies to receive your proposed succour. They may not choose to receive into their country your admirals and generals, who being appointed by this king, in divine right, must partake of the same anger, and be supposed sworn enemies to all forms of government not so sanctified. Surely, independent of the falsehood and the danger of preaching up such doctrines at home, it is the height of impolicy at this time to hold them in regard even to our neighbours. It may be asked, would I prosecute such papers? To this I answer very candidly, I would not. I never yet saw the seditious paper that I would have thought it necessary to prosecute; but this by no means implies that emergencies may not make it proper; but surely there is nothing so essential to the true check of sedition, as impartiality in prosecution. If a government wishes to be respected, they must act with the strictest impartiality, and shew that they are as determined to prevent the propagations of doctrines injurious to the rights of the people, as of those which are hostile to the rights of the crown. If men are to be encouraged to rally round the one standard, you must not, you ought not to prevent volunteers from rallying round the other; unless you desire to stifle in the breasts of men the surest and most active principle of obedience, a belief in your impartiality.

When I first heard, Sir, that the militia were called out, I felt more anxiety and consternation than ever possessed my mind. I thought that information had certainly been re-

ceived of some actual insurrection, or impending invasion. But when I heard that they were not called out to enable ministers to send the troops to any distant part, to Ireland, or to Scotland, (where they might know of disturbances, though I did not,) but that troops were assembling round London, I firmly believed the whole to be a fraud; for I have friends in and about London, as intelligent, as vigilant, as much interested in the tranquillity of the metropolis, as the right honourable magistrate; and I was confident, that an insurrection could not actually exist in London without being known. I pronounced it in my own mind to be a fraud, and I here again pronounce it to be so. I am not given to make light assertions in this House, nor do I desire to receive implicit belief. I deprecate confidence on my bare assertion. On the contrary, I state, that I believe this pretext to be a fraud, and I intreat you to inquire, that you may ascertain the truth. I know that there are societies who have indulged themselves, as I think, in silly and frantic speculations, and who have published toasts, &c. that are objectionable; but that there is any insurrection, or that any attempt was making to overthrow the constitution, I deny. Now, if this assertion of ministers is a falsehood, is it an innocent falsehood? Are the people of this country playthings in the hands of ministers, that they may frighten them and disturb them at pleasure? Are they to treat them as some weak, jealous-pated, and capricious men treat their wives and mistresses—alarm them with false stories, that they may cruelly feast on the torture of their apprehensions, and delight in the susceptibility that drowns them in tears! Have they no better enjoyment than to put forth false alarms, that they know may draw from the people the soothing expressions of agitated loyalty? Or do they think that these expressions, generously, readily made, in favour of the king, whom the people rationally love, may extend in its influence to all the persons that are near his throne? Indulging in this passion, they may keep us incessantly in the tumult of apprehension, until at last they so habituate the mind to dread the evil in this quarter, as to look for it in no other, or to stun it by repeated shocks of fiction into an insensibility of real attack.

His majesty, in the next passage of the speech, brings us to the apprehension of a war. I shall refrain at this time from saying all that occurs to me on this subject, because I wish to keep precisely to the immediate subject: but never, surely, had this country so much reason to wish for peace; never was a period so little favourable to a rupture with France, or with any other power. I am not ready to subscribe exactly to the idea of the noble lord, of the propriety of a resolution never to

go to war, unless we are attacked; but I wish that a motion was proposed by some one, to express our disapprobation of entering upon any war, if we can by any honourable means avoid it. Let no man be deterred by the dread of being in a minority. A minority saved this country from a war against Russia. And surely it is our duty, as it is our true policy, to exert every means to avert that greatest of national calamities. In the year 1789 we all must remember that Spain provoked this country by an insult, which is a real aggression: we were all agreed on the necessity of the case, but did we go headlong to war? No; we determined with becoming fortitude on an armed negociation. We did negociate, and we avoided a war. But now we disdain to negociate. Why? Because we have no minister at Paris. Why have we no minister there? Because France is a republic! And thus we are to pay with the blood and treasure of the people, for a punctilio! If there are discontents in the kingdom, Sir, this is the way to inflame them. It is of no consequence to any people what is the form of the government with which they may have to treat. It is with the governors, whatever may be the form, that in common sense and policy they can have to do. Having no legitimate concern with the internal state of any independent people, the road of common sense is simple and direct. That of pride and punctilio is as entangled as it is crooked. Is the pretext the opening of the Scheldt? I cannot believe that such an object can be the real cause. I doubt even if a war on this pretext would be undertaken with the approbation of the Dutch. What was the conduct of the French themselves under their depraved old system, when the good of the people never entered into the contemplation of the cabinet? The emperor threatened to open the Scheldt in 1786. Did the French go to war with him instantly to prevent it? No. They opened a negociation, and prevented it by interfering with their good offices. Why have we not so interfered? Because, forsooth, France is an unanointed republic! Oh miserable, infatuated Frenchmen! Oh lame and inconsiderate politicians! Why, instead of breaking the holy vial of Rheims, why did you not pour some of the sacred oil on the heads of your executive council, that the pride of states might not be forced to plunge themselves and you into the horrors of war, rather than be contaminated by your acquaintance! How short-sighted were you to believe, that the prejudices of infants had departed with the gloom of ignorance, and that states were grown up to a state of manhood and reason!

This naturally brings us back again to the business of this day, namely, whether any address should be agreed to or not. I desire, then, to put it seriously to the conscience and honour

of gentlemen to say, whether they will not be aiding the object of republicans and levellers, if they should agree to plunge this country headlong into a war, or give any pledge whatever to the crown, until they inquire and ascertain whether there is an insurrection in this country or not? Shall we declare war without inquiring whether we are also to have commotions at home? Shall we pledge our constituents to submission, to compliance, without first proving to them that the strong measure of government has been authorised by truth? If you would have the laws respected by the people, I say again, you must begin by showing that they are respected from above. If you do not prove to the people that there is an actual insurrection, (for I leave out impending invasion and rebellion, as these are not even pretended,) you cannot withhold from them the knowledge that you have acted illegally. And how can you expect rational obedience to the laws when you yourselves counteract them? When you set up the *ratio suasoria* as the *ratio justifica*, the people will clearly discern the futility and falsehood of your logic, and translate at once your terms into their true English of real causes and false pretexts. "*Ut ameris amabilis esto*," is as true in government and legislation as it is in manners and private life, and is as well established by experience. The people will not be cheated. They will look round, and demand where this danger is to be seen. Is it in England?—They see it overflowing in expressions of loyalty, and yet they libel it with imputations of insurrection. In Ireland, you know there is danger, and dare not own it. There you have prorogued the parliament to the 17th instant, but not to meet till the end of January for the dispatch of business, though you know that there a most respectable and formidable convention — I call it formidable, because I know nothing so formidable as reason, truth, and justice — will oblige you by the most cogent reasons to give way to demands, which the magnanimity of the nation ought to have anticipated. There you have thus prorogued the parliament, and deprived yourselves of the means of doing that gracefully which you must do, and which you ought to have done long ago, to subjects as attached to their king, and as abundantly endowed with every manly virtue as any part of the united kingdom. And while the claims of generous and ill-treated millions are thus protracted, and, in addition to the hardship of their condition, they are insulted with the imprudent assertion of the tyrannical ascendancy, there is a miserable mockery held out of alarms in England which have no existence, but which are made the pretext of assembling the parliament in an extraordinary way, in order, in reality, to engage you in a

foreign contest. What must be the fatal consequence when a well-judging people shall decide — what I sincerely believe — that the whole of this business is a ministerial manœuvre? Will the ministers own the real truth, and say that they wanted a pretext to assemble parliament to make up for their want of vigilance? They must take their choice, and submit to incur the indignation of their country, or feel themselves in a state of contempt. There are men who in this very act give them the praise of vigilance. They did all this, to be sure, with a little harmless fraud, to prevent evils! Let us examine their claim to vigilance.

This vigilant ministry saw, nay (if we may take their character from their associates) hoped, that France was on the brink of falling a sacrifice to the united force of Austria and Prussia, the two powers, of all others, whose union would be the most dreadful to England; but they saw no danger in this conquest to England, though thereby these great military powers were to become maritime. They saw no danger in the union concerted between them, nay, when they had given away Poland in the mean time, because, I suppose, they thought that when Oczakow was gone, the balance of Europe went with it, and they retreated out of the field with disgrace. They gave away Poland with as little compunction as honour, and with the unenviable certainty, that their blustering was laughed at and despised in every court in Europe. I know that some of them have inordinate self-complacency; yet I will not be so uncandid as to conceal my honest opinion, that there is not among them a single man, whose talents for great and commanding policy have either attracted or secured the confidence of any quarter of Europe. Do they boast of their vigilance? The dexterous surrender of Oczakow, as they now know, might have saved the fall and ruin of Poland. Do they boast of their vigilance? And had they no apprehension of the union between Austria and Prussia? Had they such perfect reliance on the moderation of Prussia, on his intimate friendship with, his gratitude to, his confidence in, our faithful cabinet? Do they boast of their vigilance, and yet saw nothing of their present dread for Holland and Brabant, on the 30th of September, when to the joy of every man whose heart is warmed with the love of freedom, the Duke of Brunswick retreated before the armies of France? Were they vigilant, not to foresee the consequences of that retreat; or did they flatter themselves with the weak, the false hope, that still the steadiness of men bred up in the trammels of tactics and discipline, would be an overmatch for the impetuosity of men, animated by the glorious flame of liberty? If so, the battle of Jemappe ought, I should think, to have

shewn these vigilant men their error. That battle happened on the 6th of November. On the same day the government of the Netherlands took to flight, and the news arrived in England on the 10th or 12th. Now, what did these vigilant ministers? On the 17th they prorogued the parliament to the 3d of January, without even saying that it was then to meet for the dispatch of business! And yet on these vigilant men we are to repose, although in the eyes of Europe, and in the hearts of Englishmen, an armament in their hands is a proof and earnest of their future humiliation!

They call for subsidiary aid from the loyalty of the people, and to procure this they have recourse to history, and search out for the lucky frauds of former times: they find one of the most lucky frauds was the popish plot in the reign of Charles the Second. The same cry in the present moment they knew was impossible; but a similar one was feasible in the enmity against a republic. The protestant dissenters then, as now, were made the objects of terror, and every art was used to provoke the rage of ignorance and barbarity. The fraud was too successful. Many of my friends, from the best motives, were deluded into the snare, and that most calamitous of all measures, the proclamation, unfortunately for England, met with their countenance. I cannot better describe this calamity than by reading a passage from an eminent historian, Ralph, on the fatal consequences of the delusion of the popish plot. By comparing my friends on the present occasion to the celebrated Lord Russell at that time, I think that I cannot pay a better compliment to them, or at the same time a more just and deserved tribute to the memory of that excellent person. Both, in consequence of their high integrity and attachment to the country, have become the dupes of deception. The passage is as follows: "But there were persons, it seems, ready to adopt his (Oates's) intelligence, imperfect, chimerical, or fictitious as it was, and to make use of it as a firebrand to light up such a flame of dissention as had like to have laid waste the kingdom; and of these, according to the distinction already made, some were weak and some were wicked. The weak were those who thought popery the greatest mischief that comprehended all others, who mistook prejudice for conviction, credulity for candour, and rigour for righteousness. These, however, meant well, though they acted ill; and while doing the drudgery of a party, persuaded themselves they were saving the nation. The wicked were the master politicians of the times, who considered kings not as they were, good or ill in themselves, but as they were ill or good with respect to their own immediate views: now the plot, whether true or false, was

formed of the happiest ingredients imaginable to advance their interest."

Now, Sir, let me address one word to my valued friends. I entreat them to reflect on the consequences of their recent delusion — not dissimilar to the above. The measure of the proclamation is now stated to be over — it has failed: let them avoid all farther snares of the same kind. They will reflect on the necessity of union from the experience of the advantages which have flowed from it. They cannot feel more sensibly than I do the benefits of the cordial co-operation of that body of men who have, through the whole of the present reign, had to struggle with prejudice as well as enmity. Let them recollect the manner in which the present ministers came into power: let them recollect the insidious attempts that have been made to disjoin them; and now that the fatal measure of the proclamation is over, let them avoid, I say, all farther snares of the same kind. Of the declarations, which it is now the fashion to sign, I certainly cannot in general approve. Of all that I have seen, that of the Merchants of London appears best calculated to conciliate the approbation of constitutional men; but I see and hear on every side such violent doctrines, and such afflicting measures, as no man who is actuated by the wish of preserving peace in this country can subscribe to. A noble lord, (Fielding,) for whom I have a high respect, says he will move for a suspension of the habeas-corpus act. I hope not. I have a high respect for the noble lord; but no motive of personal respect shall make me inattentive to my duty. Come from whom it may, I will with my most determined powers, oppose so dreadful a measure.

But, it may be asked, what would I propose to do in times of agitation like the present? I will answer openly. If there is a tendency in the dissenters to discontent, because they conceive themselves to be unjustly suspected and cruelly calumniated, what would I do? — I would instantly repeal the test and corporation acts, and take from them, by such a step, all cause of complaint. If there were any persons tinctured with a republican spirit, because they thought that the representative government was more perfect in a republic, I would endeavour to amend the representation of the Commons, and to shew that the House of Commons, though not chosen by all, should have no other interest than to prove itself the representative of all. If there were men dissatisfied in Scotland or Ireland, or elsewhere, on account of disabilities and exemptions, of unjust prejudices, and of cruel restrictions, I would repeal the penal statutes, which are a disgrace to our law books. If there were other complaints of

grievances, I would redress them where they were really proved; but above all, I would constantly, cheerfully, patiently listen. I would make it known, that if any man felt, or thought he felt, a grievance, he might come freely to the bar of this House and bring his proofs: and it should be made manifest to all the world, that where they did exist, they would be redressed; where they did not, that it should be made evident. If I were to issue a proclamation, this should be my proclamation: — "If any man has a grievance, let him bring it to the bar of the Commons' House of Parliament with the firm persuasion of having it honestly investigated." These are the subsidies that I would grant to government. What, instead of this, is done? Suppress the complaint — check the circulation of knowledge — command that no man shall read; or, that as no man under a 100*l.* a year can kill a partridge, so no man under 20*l.* or 30*l.* a year, shall dare to read or to think!

I see in Westminster the most extraordinary resolutions of parochial meetings. In that city, with which I am intimately connected, and to which I owe high obligations, there have been resolutions and associations which militate against every idea that I was ever taught to entertain both of law and of the constitution. In the parish of St. Anne, Soho, at the head of which parochial meeting I see a much respected friend of mine, Sir Joseph Bankes, they have demanded a register of all the strangers living in the parish. In St. Clement's and elsewhere, publicans are threatened with the loss of their licenses if they shall suffer any newspapers to be read in their houses that they shall think seditious. Good God! where did justices find this law? I have always thought that there was no one thing of which the law was more justly jealous, than the exercise of the discretionary power given to justices with regard to licences, and that above all things it was not permitted them to suffer political motives to interfere in the giving or withholding them. And publicans, too, are to be made judges of libel! No newspaper or pamphlet is to be read, but such as they shall determine to be free from sedition! No conversation is to be suffered but what they shall judge to be loyal! And yet in this very House, not more than a twelvemonth ago, when I brought in a bill with regard to libels, we all heard it asserted, that the knowledge of what was a libel could not be safely left to the determination of twelve jurymen — it could be judged of only by sages in the law. How can these publicans be conceived capable of judging, or by what rule are they to act? Are they to take their opinions from these associations? They recommend to them that loyal paper called "One Pennyworth of Advice," in which, among other things, it is pretty plainly

insinuated, that it would have been well if Petion, the late mayor of Paris, had been assassinated when in England, and that it would be an excess of virtue to exterminate the dissenters! Are they to be told, that such writings as these are perfectly harmless and praiseworthy, but that discussions on the constitution, debating societies, (although, by the bye, I never knew London without debating societies, and I cannot see by what law any magistrate can interrupt their peaceable discussions,) and all papers and conversations, where there are free opinions on the nature of government, are libellous? What, Sir, must be the consequence of all this, but that these publicans must decide, that that is libellous which is disapproved of by ministers for the *time* being, and by these associations, and that all freedom of opinion, and all the fair and impartial freedom of the press is utterly destroyed!

Sir, I love the constitution as it is established. It has grown up with me as a prejudice and a habit, as well as from conviction. I know that it is calculated for the happiness of man, and that its constituent branches of king, lords, and commons, could not be altered or impaired, without entailing on this country the most dreadful miseries. It is the best adapted to England, because, as the noble earl truly said, the people of England think it the best; and the safest course is to consult the judgment and gratify the predilections of a country. Heartily convinced, however, as I am, that, to secure the peace, strength, and happiness of the country, we must maintain the constitution against all innovation; yet I do not think so superstitiously of any human institution, as to imagine, that it is incapable of being perverted: on the contrary, I believe that it requires an increasing vigilance, on the part of the people, to prevent the decay and dilapidations to which every edifice is subject. I think, also, that we may be led asleep to our real danger by these perpetual alarms to loyalty, which, in my opinion, are daily sapping the constitution. Under the pretext of guarding it from the assaults of republicans and levellers, we run the hazard of leaving it open on the other and more feeble side. We are led insensibly to the opposite danger; that of increasing the power of the crown, and of degrading the influence of the Commons' House of Parliament. It is in such moments as the present, that the most dangerous, because unsuspected, attacks may be made on our dearest rights; for let us only look back to the whole course of the present administration, and we shall see, that from their outset to the present day, it has been their invariable object to degrade the House of Commons in the eyes of the people, and to diminish its power and influence in every possible way.

It was not merely in the outset of their career, when they stood up against the declared voice of the House of Commons, that this spirit was manifested, but uniformly and progressively throughout their whole ministry the same disposition has been shewn, until at last it came to its full, undisguised demonstration on the question of the Russian war, when the House of Commons was degraded to the lowest state of insignificance and contempt, in being made to retract its own words, and to acknowledge that it was of no consequence or avail what were its sentiments on any one measure. The minister has regularly acted upon this sort of principle:—"I do not care what the House of Commons may think, or what may be thought of them. It is not their verdict that is to acquit me in any moment of difficulty or any hour of trial. I will agitate the people without: I will see whether they will bear me up in my measures; and as for the House of Commons, if, in the height of their confidence in me, they shall be made to say one thing to-day, I will make them, with equal ease, and without regard to their character, say another to-morrow." Such is the true English of the principle of the right honourable gentleman's conduct, and this principle he has constantly acted upon, to the vilification of the popular branch of the constitution. And what is this, Sir, but to make it appear that the House of Commons is in reality what Thomas Paine, and writers like him, say it is, namely, that it is not the true representative and organ of the people? In the same way, and by the same language, might Thomas Paine bring a slander upon our courts of law, and upon the trial by jury. In the same tone, he might assert: "Do not tell me what a jury of twelve men may say of my book: do not tell me what these associations say: I reject all tribunals, either constituted by legal authority, or self-erected: give me the people for my judges, and I will prove that my doctrines are agreeable to them." Such language would square completely with that of ministers, and constantly have they resorted to the dangerous innovation of supporting themselves, without regard to the opinion of the House of Commons, by appeals one day to the crown, the next to the lords, and the third to the people, uniformly striving to exhibit parliament in the disgraceful and pitiful light of complete incapacity. Is it not wonderful, Sir, that all the true constitutional watchfulness of England should be dead to the only real danger that the present day exhibits, and that they should be alone roused by the idiotic clamour of republican phrenzy and of popular insurrection, which do not exist?

Sir, I have done my duty. I have, with the certainty of opposing myself to the furor of the day, delivered my opinion

at more length than I intended, and perhaps I have intruded too long on the indulgence of the House. [A general cry of "Hear him!" bespoke the perfect attention of the House.] I have endeavoured to persuade you against the indecent haste of committing yourselves to these assertions of an existing insurrection, until you shall have made a rigorous inquiry where it is to be found. To avoid involving the people in the calamity of a war, without at least ascertaining the internal state of the kingdom, and to prevent us from falling into the disgrace of being, as heretofore, obliged perhaps in a week to retract every syllable that we are now called upon to say: to carry this into effect, I shall move, that after the first sentence of the proposed motion, "That an humble address be presented to his majesty, humbly to thank his majesty for his most gracious speech from the throne," the following words be substituted in the room of all that follow in the original motion:

"To express to his majesty our most zealous attachment to the excellent constitution of this free country, our sense of the invaluable blessings which we derive from it, and our unshaken determination to maintain and preserve it.

"To assure his majesty that, uniting with all his majesty's faithful subjects in these sentiments of loyalty to the throne, and attachment to the constitution, we feel in common with them the deepest anxiety and concern, when we see those measures adopted by the executive government, which the law authorises only in cases of insurrection within this realm.

"That his majesty's faithful Commons, assembled in a manner new and alarming to the country, think it their first duty, and will make it their first business, to inform themselves of the causes of this measure, being equally zealous to enforce a due obedience to the laws on the one hand, and a faithful execution of them on the other."

Mr. Fox's amendment was opposed by Mr. Windham, Mr. Secretary Dundas, Mr. Burke, Mr. Anstruther, the Attorney-General Sir John Scott, and the Solicitor General Sir John Mitford. It was supported by Mr. Grey, Mr. Sheridan, Mr. Thomas Grenville, and Mr. Erskine.—Mr. Grey said, he did not believe the minds of the people of this country to be so perverse as to be disaffected with a constitution from which they enjoyed so many blessings. Their natural good sense, he was convinced, would prevent them from adopting any doctrines subversive of that constitution. He was not a friend to Paine's doctrines, but he was not to be deterred by a name from acknowledging that he considered the rights of man as the foundation of every government, and those who stood out against those rights as conspirators against the people. He concluded with comparing, as

Mr. Fox had done, the delusions of the popish plot in the reign of Charles the Second, to the impressions produced by those alarms, which ministers had taken so much pains to excite.—Mr. Sheridan contended, that if there were, in reality, any seditious persons in this country, who wished to overturn the constitution, their numbers were as small as their designs were detestable. Ministers themselves had created the alarm; and it was the duty of that House, before they should proceed farther, to go into an enquiry respecting the circumstances which were alleged as the ground of that alarm. Ought they to rely upon the information of ministers, or act in consequence of that information, when there was reason to think that they themselves had forged the plot? He hoped it was not understood, that those who rejoiced in the revolution in France, approved likewise of all the subsequent excesses. The formidable band of republicans, who had been mentioned to exist in this country, Mr. Sheridan represented as nothing more than men in buckram. So far from its being the wish of any description of men, that a French army should be introduced into this country, it was his opinion, that were one French soldier to land upon our coast, with the idea of effecting any change in our government, every hand and heart in the country would be fired by the indignity, and unite to oppose so insulting an attempt. As to the question of a war, he should vote that English minister to be impeached, who should enter into a war for the purpose of re-establishing the former despotism in France, who should dare in such a cause to spend one guinea, or spill one drop of blood. A war in the present moment, he considered, ought only to be undertaken on the ground of the most inevitable necessity.—Mr. Erskine justified himself as a member of the society for reform, and blamed the conduct of ministers for their delay in prosecuting the author of the Rights of Man till a year and a half after its publication. He concluded with recommending the House to govern the people by their affections, and instead of loading them with abuse and calumny, to meet their complaints, to redress their grievances, and, by granting them a fair representation, to remove the ground of their dissatisfaction.—In reply to what fell from Mr. Dundas,

Mr. Fox said that he had never laid it down that libels, but only that speculative opinions on government, ought not to be prosecuted. The libel he had prosecuted* was not a speculative opinion, but a positive reflection on the character and conduct of the House of Commons; and he would say, that if a libel were now published, reflecting on the character and conduct of the king, or the character and conduct of the House of Lords, that libel ought likewise to suffer prosecution. When he spoke of Ireland, he expressed himself without any reference to her parliamentary independence. He

* See Vol. iii. p. 363.

certainly could not be suspected of any intention to injure an independence which he had ever been most ready to assert. What he had said was meant as a lesson to ourselves, and he thought that the more frankness was maintained on the subject the better would the event prove for both countries. On the subject of Poland he professed himself ready at any time to meet the right honourable gentleman.

At the close of the debate, which lasted till three in the morning,

Mr. Fox said, that much of what he had said had either been misrepresented or misunderstood in the course of the debate. The application which had been made to him to withdraw his amendment, however he respected the quarter from which it came, he must resist. After the sentiments which he and other gentlemen had expressed, unanimity was impossible: unanimity on the present occasion he must own was what he should deprecate. He gave notice, that he should attend to-morrow to propose an amendment upon the report.

The House then divided on the address moved by the Lord Mayor: Yeas 290: Noes 50.

The following is a list of the minority who voted with Mr. Fox upon this occasion.

Right Hon. C. J. Fox
Charles Grey, Esq.
Rich. Brinsley Sheridan, Esq.
Rt. Hon. Lord G. A. H. Cavendish
Lord Edward Bentinck
Lord John Russell
Lord William Russell
Earl of Wycombe
Viscount Milton
Hon. T. Erskine
Hon. Lionel Damer
Hon. T. Maitland
George Byng, Esq.
William Hussey, Esq.
John Crewe, Esq.
William Baker, Esq.
Dudley North, Esq.
John Courtenay, Esq.
John Shaw Stuart, Esq.
Sir Henry Fletcher, Bart.
Hon. Richard Bingham
J. N. Edwards, Esq.
Lee Anthony, Esq.
William Adam, Esq.
William Plumer, Esq.
Henry Howard, Esq.
Right Hon. Lord Robt. Spencer
Philip Francis, Esq.
James Martin, Esq.
William Smith, Esq.
Thomas Thompson, Esq.
B. Tarleton, Esq.
Hon. St. Andrew St. John
Charles Sturt, Esq.
Benjamin Vaughan, Esq.
Cunliff Shaw, Esq.
R. S. Milnes, Esq.
Edward Bouverie, Esq.
Thomas Grenville, Esq.
Roger Wilbraham, Esq.

John Wharton, Esq.	Sir John Aubrey, Bart.	
Right Hon. R. Fitzpatrick	Sir John Jervis, K. B.	
Samuel Whitbread, Esq.	J. R. Burch, Esq.	
Norman Macleod, Esq.	John Harcourt, Esq.	
Joseph Jekyll, Esq.	M. A. Taylor, Esq.	Tellers.
Thomas Whitmore, Esq.	W. H. Lambton, Esq.	

December 14.

The Lord Mayor brought up the report of the address agreed upon last night. The said address being read a second time,

Mr. Fox said, that as this was in some measure a continuation of a former debate, he should take the opportunity to reply to several arguments that had been urged against him. Some gentlemen had blamed him for having proposed an amendment to the address when unanimity of sentiment was so much to be desired; but he had acted according to his feelings, and others had sacrificed their feelings to unanimity. Those who had thus censured him had censured ministers for being neutral respecting France; and he censured them for the same neutrality, though from very different motives. So far was he from thinking that ministers deserved praise in that respect, that he thought the House of Commons ought to impeach them. His opinion was, that from the moment they knew a league was formed against France, this country ought to have interfered: France had justice completely on her side, and we, by a prudent negociation with the other powers, might have prevented the horrid scenes which were afterwards exhibited, and saved, too, the necessity of being reduced to our present situation. We should by this have held out to Europe a lesson of moderation, of justice, and of dignity, worthy of a great empire; this was his opinion with respect to the conduct which ought to have been adopted, but it was what ministers had neglected. There was one general advantage, however, resulting from this; it taught the proudest men in this world that there was an energy in the cause of justice which when once supported, nothing could defeat. Thank God, nature had been true to herself; tyranny had been defeated, and those who had fought for freedom were triumphant!

Indeed, all those who spoke in support of ministers in the debate of last night had insisted, that France had formed views of aggrandizement and general dominion. If so, why thank the king's ministers for their neutrality, when, if they are right now, upon their own principle, they should have formerly interfered to have checked their career? He insisted

that it was impossible, without an abandonment of all consistency, to approve of the present address. Whoever conceived him to be of opinion that the aggrandizement of France was matter of indifference to this country mistook him grossly. France certainly had aggrandized herself. She had disappointed the predictions of that gentleman, who, during the last session, in speaking of the opponents of Great Britain on the continent, had exclaimed, "There is no danger from any quarter! looking into the map of Europe, I see a chasm once called France." That chasm, however, the gentleman must now confess was filled. No longer would he be able to speak of the inhabitants of that nation as having once been famous —*Gallos olim bello floruisse.* They had conducted themselves in such a manner as to induce him to be of opinion, that the power of France might be formidable to this country. She was formidable under her monarchy, when in alliance with Spain, and in friendship with Austria. But France, with finances almost ruined — France, at enmity with Austria, and certainly not in amity with Spain, was much more formidable now: she was formidable now from her freedom, the animating effects of which were beyond the calculation of man. All the inhabitants of Europe, who felt any thing in the cause of freedom, sympathized with the French, and wished them success, regarding them as men struggling with tyrants and despots, while they were endeavouring to form for themselves a free government. But, perhaps, he should be told, that France had not a free government. In order to shorten that question for the present, he would say, in the words of a certain author, that "a free government for all practical purposes is that which the people consider as such;" so it was with the French during the whole of the last campaign: they had been successful on account of the nature of their cause. Courage, and all the bolder virtues, naturally attended freedom. Let us not foolishly continue the absurd prejudice, that none but Englishmen deserve to be free. Liberty had no attachment to soil; it was the inheritance of man over every part of the globe, and wherever enjoyed it always produced the same effects.

With these sentiments, he could not but be of opinion, that the conduct of Great Britain ought to be peculiarly prudent, and above all, strictly just: she ought immediately to acknowledge the government of France, and to adopt all honourable means of procuring peace: she ought to weigh all the consequences of a war, to view with a scrutinizing eye the nature and extent of her resources at home, and to ascertain the degree of assistance which she might expect from her allies: she should most certainly consider well the situation of Ireland. Much had it surprized him last night that a gentleman, who

from his situation ought to be something of a statesman, had asserted that the state of Ireland ought not to be alluded to. What! was not the condition of Ireland to be considered in a question that implicated a war? Indeed it ought to be, and seriously and solemnly too. It ought to be considered, that in that country there were millions of persons in a state of complete disfranchisement, and very little elevated above slaves. Would any man in his senses suppose that hearty support could be expected from that kingdom in the event of a war? Indeed, indeed, the blood and treasure of this country ought not to be lightly risked. The time was come when ministers would not perhaps think it prudent to go to war on the mere prerogative of the crown; they would think the approbation of parliament and of the people necessary, indispensably necessary; but it remained with the House to consider whether a war ought to be entered into at all; and if so, whether it ought to be conducted by those who composed the present administration? It ought to be considered also how small would be the effect which they were capable of producing in the courts of Europe. What court, he would ask, would be elevated by their promises, or intimidated by their menaces, after their conduct with regard to Russia? It should be considered likewise, that it was doubtful whether our allies would rely on us, or whether we could rely on them. The retreat of the Duke of Brunswick he did not believe depended on us, but was such a consequence as the poet had described —

> "Ask why from Britain, Cæsar made retreat,
> Cæsar might make reply, that he was beat."

On Prussia, in spite of the near connection that subsisted, he did not think that this country could entirely depend, for domestic occurrences in that kingdom might render it unable to afford us much assistance. On the emperor no reliance was to be placed at all.

Having thus stated some reasons flowing out of the situation of the allies of Great Britain and of Ireland, he begged to advert to some other circumstances. The cause of a war, at least the apparent one, would be the invasion of Holland by the French. In Holland, it ought to be remembered, that there were persons disaffected to the Stadtholderian government, who possessed no small degree of power. These persons could not certainly be expected to approve of the war. But much reliance had been placed on Amsterdam. The aristocratic principles of that city would, it was said, be in unison with the war, and the opening of the Scheldt would procure from Amsterdam efficacious support to Great Britain. To

those who used this argument, he begged leave to suggest the case of Brabant. The clergy of Brabant, who had the ear of the people, were supposed, with reason, to be inimical to the progress of the French arms, which would most probably curtail their immense possessions. This aristocracy of the clergy, however, was of no avail; for as soon as the French approached, the people of Brabant received them with open arms. If such effects had been produced in that country, might not the same be produced in Amsterdam?

Mr. Fox next adverted to the present condition of this country. Insurrections were alleged to exist, and one honourable gentleman had last night declared, that wherever he went he discovered a spirit of disaffection and discontent. To the virtues and talents of his honourable friend (Mr. Windham) he begged to avail himself of the opportunity of paying a small tribute. To the soundest heart he joined the clearest head; and while no man possessed more honourable principles, few, very few, could boast of an understanding so comprehensive, vigorous, and acute. In short, to sum up his honourable friend's character in a few words, he was the representative of that most excellent patriot, the late Sir George Savile. With this opinion, however, of his honourable friend, he could not assent to his declaration of the existence of a spirit of disaffection and discontent. As far as he had been able to judge, he had not made any discovery of so alarming a nature. But, if it was true, if there was some foundation for the report of the disaffection of the lower orders of the people, it became a serious point to determine whence, in case of war, recruits were to be expected for the army and navy. Having stated this, he did not mean to use it as an argument against a war, because he disbelieved *in toto* the existence of such disaffection and discontent. He had argued on the impropriety of a war from positive facts, and incontrovertible reasoning.

The next object of his consideration was the state of Scotland. In the debate of last night the right honourable secretary (Mr. Dundas) had in a manly manner acknowleged that he had lost part of his popularity, although from all that he had heard of him, and had an opportunity of observing in private, there was no man possessed of powers better adapted to conciliate esteem than that right honourable gentleman; but the truth was, the people of Scotland had been treated with shameful indignity; that House had scandalously refused to hear them, pretending to know what they wanted better than themselves. Those acquainted with Scotland had affirmed that Mr. Paine's works had greater influence there than in the southern parts of the united kingdoms; that they were read

by all descriptions of people, particularly the lower class; and that because the lower class in Scotland were more learned than the same class in England, few or none being so ignorant as not to read, and digest what they read, the promulgation of the new doctrines was consequently more alarming. This appeared to him a very extraordinary mode of reasoning. It insinuated, that the only way to secure the constitution was to keep the people in darkness and ignorance—to replunge them into all the barbarities of the most savage ages. An excellent defence, truly, of our admirable constitution! Whether the lower class of society in Scotland were more learned or not than the same description in England he would not now attempt to argue. But he would maintain that the reason advanced was false. It was not on account of their superior learning that they appeared more disaffected, but on account of the enormity of their practical grievances which provoked them to a just remonstrance. Their manly appeal ought, therefore, to be treated with all the respect due to fellow-subjects, whose exertions had often added to our national fame and honour. All these considerations operated as reasons for our taking time to consider upon this important business.

But now the question came, how were the calamities of war to be avoided in this case? He would answer—By negociation. Open a negociation with the republic of France, and try every step that can be taken before you expose your country to the horrors of war. This, he said, was the duty of government. With the minister, perhaps, the season of negociation might be past; but it was not past with the House of Commons, which ought not to be implicated in the crime. If he were asked, when the minister ought to have negociated, he would inform him. He should have negociated to prevent the invasion of the Duke of Brunswick. Perhaps he did nothing. This, however, he was certain that he did: he prorogued the parliament; he appeared careless about the conquest of Brabant and Flanders, which were, in a manner, the gates of Holland; and he seemed to have reasoned thus: "The town I will defend, but any body may possess the gates who please." Perhaps, indeed, the ambassador from the republic of France would not be fine enough in his appearance to figure in our drawing-room, and, therefore, we must not endure the thought of a negociation. If that was the case, ministers should say so, in order that the good people of England might know the important reason why their blood must be spilt and their treasure squandered. If so, "the age of chivalry" was revived with a vengeance; but he trusted that some more substantial reason would be given for going

to war, and that whenever we did go to war, the minister would have to say to the public, "We have tried the effect of a negociation and pacific expressions, but to no purpose: then they might expect a general concurrence, but until then they would certainly be inexcusable in proceeding to hostilities.

Alluding to Mr. Burke's speech last night, he declared, that he did not think he had been treated with civility by that right honourable gentleman. It had been said, by that gentleman, that he had advanced facts which he did not believe; now, he had thought that his right honourable friend knew him too well to suppose that he ever asserted what he did not believe. In fact, he had last night declared that he would not make assertions with respect to particular cases, from an apprehension that those cases might not be founded in truth. The reasoning his right honourable friend had adopted on account of this delicacy, was perfectly novel. He had also been accused by him of using more of invective than argument. On this head, he was perfectly sure that he had not carried his invective farther than the right honourable gentleman, who could not forget that he had been obliged to descend to hell for similies and figures of speech with which to stigmatize the governors of the French nation. Among some exceptionable characters, he had classed and reprobated M. Roland, a man, as he believed, eminent for many virtues. How far such invective tended to conciliate France it required little deliberation to determine. Could his right honourable friend suppose that such gross insults and injuries would be forgotten or forgiven by persons of spirit and capacity? The peevishness which disgraced their discussions, when they were talking of the concerns of France, would irritate, but could never reconcile.

Mr. Fox then proceeded to enforce the propriety of negociation. So well convinced was he that every hour we delayed this negociation was a loss to us, that he would move to-morrow an address to his majesty to treat with the executive government of France. This he should do with more conviction of its propriety than hope of its success; that consideration should not slacken his efforts: all the world would acknowledge the propriety of it by and bye, although so many affected to despise it now. He had been the first to throw off the prejudice which was once so general in this country against the infant freedom, and afterwards independence, of America. Gentlemen should recollect that though it was once fashionable to talk of "a vagrant congress," of "one Adams," of "Hancock and his crew," England had, in the end, been obliged to acknowledge the sovereignty and independence of America. The same thing might happen with respect to the

French republic, and it would be better that we should send a minister to France immediately on the meeting of parliament, than perhaps after that event should have taken place, which he most earnestly deprecated, and should most heartily deplore. He was old enough to remember the names of Washington and Adams, those two great and noble pillars of republicanism, loaded with abuse. He was old enough to remember when their remonstrance on behalf of the American States was treated with contempt. Dr. Franklin was, on that occasion, abused without mercy by a learned gentleman; and yet shortly after all this contempt these two gentlemen contributed to the forming for the people who enjoyed it, the first constitution in the world—for them most certainly the best form of government upon earth, for such he would venture to say was the government of America. Shortly after this he, as secretary of state, sent over to America to treat with this very Dr. Franklin on behalf of this country; this he must have done with an ill grace if he had joined in the abuse of that gentleman, and therefore he did not wish to be forward in shewing his contempt. In short, the republic of France was that which we must acknowledge sooner or later; and where was the difficulty of acknowledging it now? Was not the republic of this country readily acknowledged at the time of Cromwell? Did not courts vie in their civilities to our new form of government after the execution of Charles the First?—an execution, whatever difference of opinion might be entertained about it, which had infinitely less injustice in it than that which, he feared, was about to be inflicted on the late unhappy monarch of France; but he hoped a deed so foul would not be committed.

His right honourable friend had said yesterday, What, are we to receive an ambassador reeking with the blood of innocent men, and perhaps even of the king of France? Mr. Fox said, his answer to this was, that should the French proceed to extremities against that unfortunate monarch, he should consider it as an act that would be for ever a disgrace to their nation, and which every man must deplore; but still he could not think that we were therefore never to have any connexion with France. He wished that if their objection to receive one at present, was, that they did not know how to introduce a French minister into the king's drawing-room, that they would fairly avow it, to the end that the people of England might see that their blood and treasure were to be sacrificed to a mere punctilio.

After pathetically lamenting the fate of that unhappy family, he returned to the affairs of France, as they were likely to affect this country. We wanted to check the aggrandize-

ment of France: perhaps not to go to war with them was to check their aggrandizement, for their cause upon the continent was popular. They said, "that all governments were their foes." This was but too true, and had been of popular service to them; but that which served them most of all was, the detestation which all Europe had entertained for the principles of the leaders of the combined armies. They had neither honour nor humanity. When the brave but unfortunate La Fayette, by the pressure of irresistible circumstances, fell into their possession—instead of receiving him as a gentleman, with the dignity that was due to his distress, they seized him with fury, locked him up like a felon, and cruelly continued to keep him in custody, in defiance of the wishes and compassion of us all, and in a manner that must provoke the indignation of every virtuous man in Europe. But this gentleman had always been a friend to liberty, and that was enough to excite their hatred. Mr. Fox concluded with moving an amendment to the address, by inserting these words: "Trusting that your majesty will employ every means of negociation, consistent with the honour and safety of this country, to avert the calamities of war."

The amendment was opposed by Mr. Burke, Mr. Yorke, Lord Carysfort, Mr. Secretary Dundas, Mr. Powys, and Mr. Wilberforce; and supported by Mr. Sheridan, and Mr. Adam. It was negatived without a division; after which the report of the address was agreed to by the House.

Mr. Fox's Motion for sending a Minister to Paris, to treat with the Provisional Government of France.

December 15.

THIS day, as soon as the House had returned from presenting their address to his majesty,

Mr. Fox rose to make his promised motion. After having already said so much on this subject, and feeling how little any thing he could add was likely to be attended to in the present disposition of the House, he should only offer a very few words in the way of previous explanation; indeed, from the indisposition he laboured under, it was physically impossible for him to speak above a few minutes. By his motion

he did not mean to imply any approbation of the conduct of the existing French government, or of the proceedings that had led to the present state of things in France. His object was simply to declare and record his opinion, that it was the true policy of every nation to treat with the existing government of every other nation with which it had relative interests, without inquiring or regarding how that government was constituted, or by what means those who exercised it came into power. This was not only the policy, but frequently the practice. If we objected to the existing form of government in France, we had as strong objections to the form of government at Algiers; yet at Algiers we had a consul. If we abhorred the crimes committed in France, we equally abhorred the crimes committed in Morocco; yet to the court of Morocco we had sent a consul almost immediately after the commission of crimes at which humanity shuddered. By these acts we were neither supposed to approve of the form of government at Algiers, nor of the crimes committed in Morocco. From his motion, therefore, no opinion was to be implied, but the opinion he had stated.

It would have been better if what he proposed had been done sooner, and there were circumstances that made it less proper now than at an earlier period. But this was not imputable to him. The earliest period was now the best; and this was the earliest opportunity that the meeting of parliament afforded him. It would have been still better if our minister had not been recalled from Paris, but had continued there as the ministers of some other courts had done. He concluded with moving, "That an humble address be presented to his majesty, that his majesty will be graciously pleased to give direction that a minister may be sent to Paris to treat with those persons who exercise provisionally the functions of executive government in France, touching such points as may be in discussion, between his majesty and his allies and the French nation."

Mr. Fox's motion was seconded by Mr. Grey. It was opposed by Lord Sheffield, Mr. Stanley, Mr. Loveden, Mr. Frederick North, Mr. Jenkinson, the Master of the Rolls, Mr. Windham, Mr. Grant, Sir William Young, Mr. Burke, Sir James Murray, and Mr. Drake; and supported by Mr. M. A. Taylor, Mr. Grey, Colonel Tarleton, Mr. Francis, Mr. Erskine, Mr. Whitbread, Mr. Courtenay, and Mr. Sheridan.—Mr. Windham acknowledged, that when any measure proceeded from Mr. Fox, it was not without the greatest anxiety that he refused his assent to it. What the judgment of his right honourable friend was every one knew; how pure his motives, how eminent his integrity, it would be as impertinent in him to explain as it would be in any one to waste the time of the House in

discussing positions that were acknowledged by all mankind. However wide, therefore, the difference that subsisted between his right honourable friend and himself, he was persuaded that it was only that species of difference which existed between two persons beholding the same object from two distinct points of view. He was persuaded that it was not a difference that extended to principle.—Mr. Grey supported the motion with great energy. "It was asked," he said, "if Great Britain was to sneak and crouch to France. No, neither sneak nor crouch, but negociate like a great and high-spirited nation, and if redress was refused of any injury offered, then declare war. We are asked again, would we treat now under all the circumstances we know to be existing. I say, yes, certainly; for though I admit that the time is not the most favourable, the fault is not with us, but with ministers, who let the favourable opportunity pass away, and by their supine neglect lost an occasion of preventing many of the crimes committed in France, and perhaps of averting that act of injustice which we fear is at this moment committing. We are told by a right honourable gentleman (Mr. Burke) that to treat with men stained with so many crimes as the present rulers of France, would be disgraceful; but if a war the most dangerous ever undertaken, is to be avoided, we must treat now, and therefore it is, that I support the motion, as the only means left of averting so great a calamity. If (continued Mr. Grey,) the enthusiasm of any man for my right honourable friend who made the motion be abated, mine, on the contrary, is if possible increased. The state of the country calls upon my honourable friend to stand in the gap and defend the constitution: he has said he will do so; and while I have power of body or mind he shall not stand alone. A firm band of admiring friends, not the less respectable nor the less likely to prevail from the present disproportion of their number, will faithfully stand by him against all the calumnies of those who betray, while they affect to defend the constitution."—Mr. Erskine also passed a spirited eulogium on Mr. Fox, whom he described as formed by Providence to guard, to invigorate, to save from ruin our constitution, and to remedy the vices of the times.—Mr. Whitbread said he had been accused of being an enemy to the constitution; but he was calumniated. He loved the monarchy, he loved the aristocracy, above all he loved the democracy of this country; but he had no attachment to the abuses existing in any department whatever. This, he was persuaded, was the sentiment of every man with whom he acted; and while his right honourable friend and leader, with his transcendant abilities, and others whom he esteemed and loved, stood in the gap between obstinacy and prejudice on the one hand, and unprincipled licentiousness on the other, he would stand by them, and fight by them without fear or dread. While his right honourable friend was the leader, *de republica non desperandum!*—Mr. Courtenay declared that his sentiments on the present state of affairs exactly corresponded with those of Mr. Fox. "While I live and breathe," said he, "I will maintain these opinions. I know the public and private virtues of my right honourable friend; and whenever I separate

from him, I shall consider that day the most degraded of my life."—In reply to what fell from Mr. Secretary Dundas,

Mr. Fox, with a hoarseness so severe as to make it very difficult for him to speak at all, said it was physically impossible for him to say much, nor did he intend it. If I had thought, continued he, the circumstances such as the case stated by the right honourable secretary, I would not have made my motion; but from his majesty's speech and the address of the House in answer to it, I was authorised to think otherwise. Would the right honourable secretary in any case recall our ambassador, and order the French ambassador to leave this country before he had actually determined on war? I think he would not: and that war is not yet determined on appears from this, that his majesty has assured us from the throne, that nothing will be neglected by him that can contribute to the important object of preserving the blessings of peace; and for this assurance we have returned thanks in our address. If I sent an ambassador to France, I would not instruct him to petition, as some gentlemen have been pleased to suppose, but to demand satisfaction; and if that were denied, to return. The chief point maintained by me in making this motion, is, not that the people are always to be consulted on the expediency of going to war, but that on all occasions they ought to be truly informed what the object of the war is. If my motion is not adopted, and war should ensue, I fear there will be much doubt about what is the true cause, and that some will think we are fighting for one object, and some for another. The right honourable gentleman (Mr. Burke) who has taken so warm a part in this debate, asserts peremptorily that we are at war: and yet he voted for the address, thanking his majesty for his endeavours to preserve the blessings of peace. He directly contradicts both the ministers and the speech from the throne. They praise his eloquence in their support, but take care not to adopt his opinions. Whenever you do treat, and that you must treat some time or other nobody can deny, you must treat with the existing powers, and if you refuse to do that now, which you know must be done at some time or other, you give away the opportunity of saving Holland from a war, of preserving to her the monopoly of the Scheldt without a war, and of obtaining the revocation of that resolution of the executive council, of which I perhaps think as ill as you do. If the point in dispute be, whether we shall negociate by a minister, or by means of secretaries communicating with ministers, I do not think that a sufficient cause of war. I have done my duty in submitting my ideas to the House,

and in doing this, I cannot possibly have had any other motives than those of public duty. What were my motives? Not to court the favour of ministers, or those by whom ministers are supposed to be favoured; not to gratify my friends, as the debates in this House have shewn; not to court popularity, for the general conversation, both within and without these walls, has shewn that to gain popularity, I must have held the opposite course. The people may treat my house, as they have done that of Dr. Priestley — as it is said, they have more recently done that of Mr. Walker. My motive only was, that they might know what was the real cause of the war into which they are likely to be plunged, and that they might know that it depended on a matter of mere form and ceremony.

The motion was negatived without a division. Mr. Pitt was not present during the important debates of the 13th, 14th, and 15th of December, having not yet been re-elected since his acceptance of the office of Lord Warden of the Cinque Ports, vacant by the death of the Earl of Guildford.

COMPLAINT OF A LIBEL, INTITULED "ONE PENNYWORTH OF TRUTH, FROM THOMAS BULL TO HIS BROTHER JOHN."

December 17.

THIS day Mr. Grey made his promised motion. He began by saying, that in a former debate Mr. Dundas had taken fire at an insinuation he had made, that the protection of the laws was not extended equally to all his majesty's subjects. So far, however, from receding from that insinuation, he begged to be understood that he now meant to substitute assertion for insinuation. He was decidedly of opinion that the protection of the laws was not equally extended to all persons. In support of his opinion he adduced the riots at Birmingham, into the causes of which no inquiry had been suffered to take place. Several facts had been stated to justify the proclamation; these were all denied. At Dundee the tumults were over ten days before the issuing of the proclamation; besides, it was plain that government did not assemble the militia to suppress them, for if they had, the militia would not have been drawn towards London. These tumults being suppressed without the interference of the military, he contended that the minister had abused the term of insurrection, and had been guilty of perverting an act of parliament. If there really existed disaffected persons they should be pointed out and punished,

Riots, he understood, had taken place at Cambridge. Very serious tumults had occurred at Manchester: these seemed to proceed from a meeting held at Manchester on the 11th instant, for the purpose of preserving constitutional order. The same evening a mob had assembled, and had attacked the house of Mr. Walker. An honourable gentleman, whom he saw in his place, (Mr. Peel,) was present at that meeting. In one of the daily papers it was stated, that he said, in his address to the meeting, that it was time for the people to rouse from their lethargy, for there were incendiaries in the country. If he really did use these words, he called upon him to say who those incendiaries were. Mr. Grey then called the attention of the House to a printed paper issued from the association against republicans and levellers, established at the Crown and Anchor Tavern. It was intituled "One Pennyworth of Truth, from Thomas Bull to his Brother John," and was published by Stockdale of Piccadilly. It contained some most unfounded and libellous invectives against the dissenters, whom it charged with having been the authors of the American war, and of the consequent taxes. Mr. Paine's Rights of Man had not produced one riot; but this invective against the dissenters seemed calculated to produce effects the most alarming. Mr. Grey moved, That the said paper be delivered in at the table, and read.—Mr. Peel observed, that there was no truth in any part of the paragraph in the newspaper alluded to, except that part of it which stated that God save the King had been sung at Manchester. He read the resolutions of the committee there of the society against republicans and levellers, which, he said, were calculated to dissuade the populace from insurrection.—The motion was opposed by the Master of the Rolls, Mr. Dundas, Mr. Yorke, Mr. Anstruther, Mr. Windham, Mr. Mitford, and Mr. David Scott; and supported by Mr. Adam, Mr. Fox, Mr. Lambton, Mr. Jekyll, and Colonel Macleod. —Mr. Gregor having said, that some of the opinions lately mentioned by Mr. Fox were highly dangerous, and that if called upon to do so, he would point them out,

Mr. Fox said, it would ill become him to interrupt a business before the House, by calling for a debate on his own opinions; but if the honourable gentleman or the House chose to appoint a time for examining his opinions, he was ready to meet the discussion, and to thank them for it, confident that it would only afford him an opportunity of removing misconception and clearing himself from misrepresentation. There were certain forms and phrases which, at present, every gentleman who rose to speak was required to repeat; all these, whether "Church and State," or "God Save the King," or any thing else, he begged to be understood as having said or sung. As those who had read Italian operas might recollect to have seen prefixed an advertisement by the author, that when he introduced the names of the heathen gods and goddesses he meant nothing against the holy catholic religion; so he must advertise the House, that when he made use of

the words liberty, equality, impartiality, he used them only in the true sense of the British constitution, and not as understood, or supposed to be understood, in any other country whatever. This was the more necessary, as the first thing he had to do was to implore them to be equal and impartial; for it was not for the dignity of the government or of the House, to prosecute seditious publications on one side, and pass by those on the other. He had always advised never to connect riots and insurrections with seditious writings, and to repress and punish the criminal acts. His advice was not followed; libels on one side were connected with acts and prosecuted; if the same course was not pursued with respect to libels on the other, surely, there was neither impartiality nor equality. For how stood the facts? Libels against the constitution had been published, but no riot had followed these libels, no mob had taken the Rights of Man for their watch-word: yet these libels had been prosecuted. Libels against the dissenters had been published, riots had ensued, directed solely against the dissenters, of which church and king was the signal, and none of these libels were prosecuted. Were the dissenters in this respect equally protected? Had they not a right to say, "You give every thing to the imaginary fears of others and nothing to our real sufferings." Mr. Fox paid a handsome compliment to the worth and character of Mr. Walker, who, he said, entertained opinions respecting the constitution of which he did not approve; but that was no reason for withdrawing his good opinion, while his life and conduct were irreproachable. It was their duty to take into their minds, not toleration, but that on which toleration was founded, sympathy for human infirmity and human error, and to recollect that those who differed from us might be right, although we could not see it. He expressed his doubts of the legality of the associations and subscriptions for criminal prosecutions; not of those for aiding the civil magistrate in suppressing riot or insurrection. Of one of this sort he should be ready to become a member, and to assist the magistrate in person if necessary, for it was the duty of every man to do so. Such associations might do good if there was danger, and could only excite a little unnecessary alarm if there was none. But these associations were at present made an instrument of tyranny over men's minds, almost as bad as the clubs in France, that went about, as often as they thought fit, requiring men to renew their civic oath on pain of proscription for incivism. Papers were handed about for signatures, and the names of those who signed, and of those who did not, were taken down with the mark of incivism fixed on the latter. To such persons in the

lower ranks of life as had consulted him, he had said, "I shall sign none of these papers, those who offer them will probably do me no harm; but you they will deprive of your customers or your employers, and therefore whether you think them useful associations, or idle, I advise you to sign them." He remarked on various inflammatory hand-bills, circulated under pretext of calling meetings, and mentioned one for a meeting at Staines, concluding with—"Destruction to Fox and all his Jacobin crew." Now, it so happened, that his house was within three or four miles of Staines, and perhaps it might have been the purpose of the author of the hand-bill to serve his house as it had been attempted to serve Mr. Walker's. Of this, however, he was not much afraid: for although misrepresentation had often made him unpopular, where he was not known, he had the good fortune never to have been unpopular in his own neighbourhood. He exhorted the House, by adopting the motion, or by some resolution declaring their equal disapprobation of riots on all pretexts, to save the country from the possible disgrace of driving a body possessing such talents, such industry, such invariable loyalty to the house of Brunswick, as the dissenters, to emigration.

In the course of his speech Mr. Dundas recommended it to Mr. Fox to consider the advice he had given about signing papers, for according to that doctrine, a magistrate might think himself sure of the support of a great number of persons, who when occasion called would refuse to aid him, and much mischief might ensue. Men who signed papers, of which they disapproved, might soon learn to swear what they did not believe; and the signatures of traitors might appear among those of good citizens.

Mr. Fox said, he kept no such company as the right honourable secretary talked of. He conversed with no men who would refuse to aid the civil magistrate; and he had no advice to give to traitors except to become good subjects. All that he had said was, that when papers and declarations were offered to men in the way of test, containing nothing of which they positively disapproved, but only what they thought unnecessary or useless; and when their refusing to sign such papers would bring upon them a sort of proscription to the great injury of their property, if not danger to their persons, his advice was to sign them; and a stronger necessity would even justify them in signing that of which they did disapprove.

The motion was negatived without a division.

SITUATION OF THE ROYAL FAMILY OF FRANCE.

December 20.

ON the report of the committee of supply, granting 25,000 seamen, including 5000 marines, for the service of the year 1793, Mr. Sheridan took occasion to say, that he was convinced, notwithstanding the gross and indiscriminate abuse thrown out against every human creature bearing the name of Frenchman, that there existed in that country a sincere disposition to listen to and respect the opinion of the British nation. He alluded to the melancholy situation of their king now on his trial, and of his family. He was confident that the French nation was ill informed of the temper and feelings of the free, generous, and humane, people of Great Britain, and that if they could be in any authentic manner apprised of what he in his soul and conscience believed to be the genuine impression of the public mind on this subject, namely, that there was not one man of any description or party who did not deprecate, and who would not deplore, the fate of those persecuted and unfortunate victims, should the apprehended catastrophe take place, he was confident that such a conviction might produce a considerable influence, he wished he could venture to say a successful effect, on the public mind in Paris, and throughout France. Mr. Sheridan pressed shortly his reasons for thinking thus, and said, that among those whose hearts would be most revolted and disgusted by the unjust and inhuman act of cruelty he alluded to, he believed would be found all those who had been foremost in rejoicing at the destruction of the old despotism of France, and who had eagerly hoped and expected that to whatever extremes as to principles of government, a momentary enthusiasm might lead a people new to the light of liberty; that however wild their theories might be, yet there would have appeared in the quiet, deliberate acts of their conduct those inseparable characteristics of real liberty and of true valour — justice, magnanimity, and mercy. He would not take upon him to give any opinion as to the manner in which the public sentiment of England might be expressed on this subject, but he was more and more convinced, from the latest intelligence from France, that the opportunity ought not to be neglected. — Mr. Burke said, that he could not rely on the justice, the magnanimity, or the mercy of the French, particularly when they charged their king as a criminal for offences for which that House would not call the meanest individual in the country to their bar to answer. The truth was, the king was in the custody of assassins, who were both his accusers and his judges, and his destruction was inevitable.

Mr. Fox said, he wished not to make any comment on the sentiments of others upon this subject; what he was most solicitous about was, the making clearly understood his own.

I beg leave to say, (continued he) that what has fallen from my honourable friend, and what he has been pleased to apply the words magnanimity, justice, and mercy to, had no reference whatever to the proceedings on an impending event which all of us deprecate, and which every honest heart in Europe wishes to avert; I mean the unhappy situation of the royal family of France, on which, although the subject is not specifically before us, I wish to say a few, and but a few words. And first, I beg leave to declare, that the proceedings on that awful event are so far from bearing the stamp of magnanimity, justice, or mercy, that they are directly the reverse, that they are injustice, cruelty, and pusillanimity. This sentiment will, I hope, before it be too late, gain ground in France, for I have reason to believe, that there is in that country a disposition to attend to the opinions and sentiments entertained here; and I rejoice to learn, from every testimony I can gather, that it is the unanimous sense of this House and of this country, that the manner in which the unhappy royal family of France are treated, is, as I have before described, founded in injustice, cruelty, and pusillanimity. I own this subject has made a deep impression upon my mind, and it has just occurred to me, (perhaps a better method may be easily devised, but it has occurred to me) that this House should address his majesty for a gracious communication of the words, or the substance, of his majesty's directions to Lord Gower, in consequence of which his lordship left Paris. Then I would propose an address of thanks to his majesty for his gracious communication; after which I would add an expression of our abhorrence of the proceedings against the royal family of France, in which, I have no doubt, we should be supported by the whole country.

If there can be any means suggested that will be better adapted to produce the unanimous concurrence of this House and of the country, with respect to the measure now under consideration in Paris, I should be obliged to any person for his better suggestion upon the subject. For although I by no means stand up, either for the justice, the magnanimity, or the mercy of those persons who are conducting the trial of the King of France, yet I cannot help thinking, that an unanimous address of the House of Commons, and, as I have no reason to doubt would be the case, of the House of Lords, expressing their abhorrence, and that of the country in general, of such proceedings, would have a decisive influence with persons of all descriptions in France. I do not profess to be in their secrets, and I trust that the means I have of knowing something of the general state of that country, from conversations with gentlemen recently returned from thence, will

not be misconstrued into any knowledge of, or participation whatever in, their intentions. I have said thus much, in order to contradict one of the most cruel misrepresentations of what I before said in our late debates; and that my language may not be interpreted from the manner in which other gentlemen may have chosen to answer it. I have spoken the genuine sentiments of my heart, and I anxiously entreat the House to come to some resolution upon the subject.

With respect to the augmentation of the navy, Mr. Fox said, the minister had his entire support. He voted with all his heart for the 25,000 men; he should have given an equal concurrence to the number had it been 40,000. He should not move for that number, because his majesty's ministers knew, or had good reason to believe, that there might not be need for more at present. He thought it necessary to say, that he did not view the progress of the French with indifference. At their progress he was alarmed. He voted cordially for the armament, and would vote for a greater, if a greater was proposed. But the House knew, that if the present armament were found insufficient for the exigency of affairs, it was perfectly competent to increase it hereafter. Here Mr. Fox observed, that the three different views of the subject rendered an armament equally necessary: first, if we went to war; secondly, if we did not go to war; and in the third case, which he confessed he did not understand, if the right honourable gentleman were to do neither the one nor the other. If we went to war, the necessity of an armament was obvious. If we negociated, which he confessed he strongly recommended, we must be armed, in order to enforce our demand of satisfaction, and secure success to our negociations. He had great hopes, however, that war would still be avoided, because the king's speech gave assurances to that effect. But if the necessity of affairs should require an increase of the armament now voted, he begged it to be understood that his majesty's ministers, as far as that went, had not a warmer supporter than himself.

Mr. Pitt moved, that an address be presented to his majesty, praying him to direct, that there be laid before this House a copy or extract of the instructions sent to Earl Gower, his majesty's ambassador to the Most Christian King, signifying his majesty's pleasure that he should quit Paris. The motion was agreed to, and the paper being presented on the following day, Mr. Pitt moved that it should lie on the table, to be perused by the members of the House.

Mr. Fox wished in a few words to express his concurrence with the proposal of the right honourable the chancellor of the

exchequer. His opinion upon this subject, he believed, was the opinion of the whole House and the whole country. It was better that we should proceed no further than that we should engage ourselves too deeply. He had heard it said, that the proceedings against the unhappy King of France were unnecessary. He would go a great deal further, and say he believed them to be highly unjust, and not only repugnant to all the common feelings of mankind, but contrary to all the fundamental principles of law; for he regarded it as a principle of natural justice, an essential part of all human policy, never to be departed from under any circumstances or pretence whatever, in any country, "that the criminal law shall be rigidly construed according to its letter — that subsequent laws shall be adapted to crimes, but that all persons shall be tried according to the laws in being at the time of committing the acts charged as criminal." He thought now, as he had on a former occasion expressed, that if the sentiment of that House was perfectly unanimous, and that of the other House also, to communicate that circumstance to France would have a decided influence on persons of all descriptions there. He had assigned some reasons for being of that opinion, but he should say no more upon the subject at present. If there was a point on which his opinion was more clear than on any other, it was upon the abstract rule of justice with respect to the trial of persons for offences against law, and he was sure it was impossible to keep up that rule without condemning, from the beginning to the end, the proceedings against the unfortunate King of France.

Mr. Sheridan said, that this subject appeared to him, as he had expressed himself last night, of great difficulty, importance, and delicacy. After the best attention he could give the subject, he must confess he knew of nothing better than that which was proposed by the chancellor of the exchequer, and therefore he concurred in it. However, he rejoiced to think that their common object was obtained in a great degree. — Mr. Burke observed, that the manly declarations of the two gentlemen who spoke last deserved the highest approbation. He highly applauded the principle of our constitution, that the king was the only organ by which the sentiments of this country could be conveyed to any foreign power. He observed it would have been impossible to send a message to Paris that would not counteract the purpose of averting the cruelty so much deprecated. There were two parties there, equally the enemies of the king, the irritable and furious — and the malicious and timid. If a message in the imperious stile was to be sent, the irritable and furious would become desperate. If in a mild tone, the timid would take courage, and become more dangerous than ever. The House, he said, was about to do itself great honour by its moderation and its dignity.

The motion was then agreed to.

APPENDIX.

TO do away the effects of certain calumnies and misrepresentations, of which Mr. Fox had been the object, in consequence of the motions made by him in the House of Commons on the 13th, 14th, and 15th of December 1792, he published in January 1793, his celebrated letter to his constituents; of which the following is a copy.

A LETTER

FROM

The Right Honourable CHARLES JAMES FOX

TO

THE WORTHY AND INDEPENDENT ELECTORS OF THE CITY AND LIBERTY OF WESTMINSTER.

TO vote in small minorities is a misfortune to which I have been so much accustomed, that I cannot be expected to feel it very acutely.

To be the object of calumny and misrepresentation gives me uneasiness, it is true, but an uneasiness not wholly unmixed with pride and satisfaction, since the experience of all ages and countries teaches us that calumny and misrepresentation are frequently the most unequivocal testimonies of the zeal, and possibly the effect, with which he against whom they are directed has served the public.

But I am informed that I now labour under a misfortune of a far different nature from these, and which can excite no other sensations than those of concern and humiliation. I am told that *you* in general disapprove my late conduct, and that, even among those whose partiality to me was most conspicuous, there

are many who, when I am attacked upon the present occasion, profess themselves neither able nor willing to defend me.

That your unfavourable opinion of me (if in fact you entertain any such) is owing to misrepresentation, I can have no doubt. To do away the effects of this misrepresentation is the object of this letter, and I know of no mode by which I can accomplish this object at once so fairly, and (as I hope) so effectually, as by stating to you the different motions which I made in the House of Commons in the first days of this session, together with the motives and arguments which induced me to make them.—On the first day I moved the House to substitute, in place of the Address, the following Amendment:

"To express to his majesty our most zealous attachment to the excellent constitution of this free country, our sense of the invaluable blessings which are derived from it, and our unshaken determination to maintain and preserve it.—To assure his majesty, that uniting with all his majesty's faithful subjects in those sentiments of loyalty to the throne, and attachment to the constitution, we feel in common with them the deepest anxiety and concern, when we see those measures adopted by the executive government, which the law authorizes only in cases of insurrection within this realm.

"That his majesty's faithful Commons, assembled in a manner new and alarming to the country, think it their first duty, and will make it their first business, to inform themselves of the causes of this measure, being equally zealous to enforce a due obedience to the laws on the one hand, and a faithful execution of them on the other."

My motive for this measure was, that I thought it highly important, both in a constitutional and a prudential view, that the House should be thoroughly informed of the ground of calling out the militia, and of its own meeting, before it proceeded upon other business.

The law enables the king, in certain cases, by the advice of his privy council, having previously declared the cause, to call forth the militia—and positively enjoins, that, whenever such a measure is taken, parliament shall be summoned immediately.

This law, which provided that we should meet, seemed to me to point out to us our duty when met, and to require of us, if not by its letter, yet by a fair interpretation of its spirit, to make it our first business to examine into the causes that had been stated in the proclamation, as the motives for exercising an extraordinary power lodged in the crown for extraordinary occasions; to ascertain whether they were true in fact, and whether, if true, they were of such a nature as to warrant the proceeding that had been grounded on them.

Such a mode of conduct, if right upon general principles, appeared to me peculiarly called for by the circumstances under which we were assembled; and by the ambiguity with which the causes of resorting for the first time to this prerogative were stated and defended.

The insurrections (it was said) at Yarmouth, Shields, and other places, gave ministers a legal right to act; and the general state of the country, independently of these insurrections, made it expedient for them to avail themselves of this right. In other words, insurrection was the pretext, the general state of the country the cause of the measure. Yet insurrection was the motive stated in the proclamation; and the act of parliament enjoins the disclosure, not of the pretext, but of the cause: so that it appeared to be doubtful whether even the letter of the law had been obeyed; but if it had, to this mode of professing one motive and acting upon another, however agreeable to the habits of some men, I thought it my duty to dissuade the House of Commons from giving any sanction or countenance whatever.

In a prudential view, surely information ought to precede judgment; and we were bound to know what really was the state of the country before we delivered our opinion of it in the address. Whenever the House is called upon to declare an opinion of this nature, the weight which ought to belong to such a declaration, makes it highly important that it should be founded on the most authentic information, and that it should be clear and distinct. Did the House mean to approve the measure taken by administration, upon the ground of the public pretence of insurrections? If so, they were bound to have before them the facts relative to those insurrections, to the production of which no objection could be stated. Did they mean by their address to declare that the general situation of the country was in itself a justification of what had been done? Upon this supposition, it appeared to me equally necessary for them so to inform themselves, as to enable them to state with precision to the public the circumstances in this situation to which they particularly adverted. If they saw reason to fear impending tumults and insurrections, of which the danger was imminent and pressing, the measures of his majesty's ministers might be well enough adapted to such an exigency; but surely the evidence of such a danger was capable of being submitted either to the House or to a secret committee; and of its existence without such evidence, no man could think it becoming for such a body as the House of Commons to declare their belief.

If therefore the address was to be founded upon either of the suppositions above stated, a previous enquiry was absolutely necessary. But there were some whose apprehensions were directed not so much to any insurrections, either actually existing or immediately impending, as to the progress of what are called French opinions, propagated (as is supposed) with industry, and encouraged by success; and to the mischiefs which might in future time arise from the spirit of disobedience and disorder, which these doctrines are calculated to inspire. This danger, they said, was too notorious to require proof; its reality could better be ascertained by the separate observations of individual members, than by any proceeding which the House could institute in its collective capacity; and upon this ground, therefore, the address might be safely voted without any previous enquiry.

To have laid any ground for approving without examination, was a great point gained for those who wished to applaud the conduct of administration; but in this instance I fear the foundation has been laid without due regard to the nature of the superstructure, which it is intended to support; for, if the danger consist in false but seducing theories, and our apprehensions be concerning what such theories may in process of time produce, to such an evil it is difficult to conceive how any of the measures which have been pursued are in any degree applicable. Opinions must have taken the shape of overt acts, before they can be resisted by the fortifications in the Tower; and the sudden embodying of the militia, and the drawing of the regular troops to the capital, seem to me measures calculated to meet an immediate, not a distant mischief.

Impressed with these notions, I could no more vote upon this last vague reason, than upon those of a more definite nature; since, if in one case the premises wanted proof, in the other, where proof was said to be superfluous, the conclusion was not just. If the majority of the House thought differently from me, and if this last ground of general apprehension of future evils (the only one of all that were stated, upon which it could with any colour of reason be pretended that evidence was not both practicable and necessary,) appeared to them to justify the measures of government; then I say they ought to have declared explicitly the true meaning of their vote, and either to have disclaimed distinctly any belief in those impending tumults and insurrections, which had filled the minds of so many thousands of our fellow subjects with the most anxious apprehensions; or to have commenced an inquiry concerning them, the result of which would have enabled the House to lay before the public a true and authentic state of the nation, to put us upon our guard against real perils, and to dissipate chimerical alarms.

I am aware that there were some persons who thought that to be upon our guard was so much our first interest, in the present posture of affairs, that even to conceal the truth was less mischievous than to diminish the public terror. They dreaded inquiry, lest it should produce light; they felt so strongly the advantage of obscurity in inspiring terror, that they overlooked its other property of causing real peril. They were so alive to the dangers belonging to false security, that they were insensible to those arising from groundless alarms.— In this frame of mind they might for a moment forget that integrity and sincerity ought ever to be the characteristic virtues of a British House of Commons; and while they were compelled to admit that the House could not, without inquiry, profess its belief of dangers, which (if true) might be substantiated by evidence, they might nevertheless be unwilling that the salutary alarm (for such they deemed it) arising from these supposed dangers in the minds of the people, should be wholly quieted. What they did not themselves credit, they might wish to be believed by others. Dangers, which they considered as distant, they were not displeased that the public should suppose near, in order to excite more vigorous exertions.

To these systems of crooked policy and pious fraud I have always entertained a kind of instinctive and invincible repugnance; and, if I had nothing else to advance in defence of my conduct but this feeling, of which I cannot divest myself, I should be far from fearing your displeasure. But are there, in truth, no evils in a false alarm, besides the disgrace attending those who are concerned in propagating it? Is it nothing to destroy peace, harmony, and confidence, among all ranks of citizens? Is it nothing to give a general credit and countenance to suspicions which every man may point as his worst passions incline him? In such a state, all political animosities are inflamed. We confound the mistaken speculatist with the desperate incendiary. We extend the prejudices which we have conceived against individuals to the political party or even to the religious sect of which they are members. In this spirit a judge declared from the bench, in the last century, that poisoning was a popish trick, and I should not be surprised if some bishops were now to preach from the pulpit that sedition is a presbyterian or a unitarian vice. Those who differ from us in their ideas of the constitution, in this paroxysm of alarm, we consider as confederated to destroy it. Forbearance and toleration have no place in our minds; for who can tolerate opinions which, according to what the deluders teach, and rage and fear incline the deluded to believe, attack our lives, our properties, and our religion?

This situation I thought it my duty, if possible, to avert, by promoting an inquiry. By this measure the guilty, if such there are, would have been detected, and the innocent liberated from suspicion.

My proposal was rejected by a great majority. I defer with all due respect to their opinion, but retain my own.

My next motion was for the insertion of the following words into the address: — "Trusting that your majesty will employ every means of negociation consistent with the honour and safety of this country to avert the calamities of war."

My motive in this instance is too obvious to require explanation; and I think it the less necessary to dwell much on this subject, because, with respect to the desirableness of peace at all times, and more particularly in the present, I have reason to believe that your sentiments do not differ from mine. If we looked to the country where the cause of war was said principally to originate, the situation of the United Provinces appeared to me to furnish abundance of prudential arguments in favour of peace. If we looked to Ireland, I saw nothing there that would not discourage a wise statesman from putting the connection between the two kingdoms to any unnecessary hazard. At home, if it be true that there are seeds of discontent, war is the hot-bed in which these seeds will soonest vegetate; and of all wars, in this point of view, that war is most to be dreaded, in the cause of which kings may be supposed to be more concerned than their subjects.

I wished, therefore, most earnestly for peace; and experience had taught me, that the voice even of a minority in the House of

Commons might not be wholly without effect, in deterring the king's ministers from irrational projects of war. Even upon this occasion, if I had been more supported, I am persuaded our chance of preserving the blessings of peace would be better than it appears to be at present.

I come now to my third motion, "That an humble address be presented to his majesty, that his majesty will be graciously pleased to give directions that a minister may be sent to Paris to treat with those persons who exercise provisionally the functions of executive government in France, touching such points as may be in discussion between his majesty and his allies, and the French nation;" which, if I am rightly informed, is that which has been most generally disapproved. It was made upon mature consideration, after much deliberation with myself, and much consultation with others; and notwithstanding the various misrepresentations of my motives in making it, and the misconceptions of its tendency, which have prepossessed many against it, I cannot repent of an act, which, if I had omitted, I should think myself deficient in the duty which I owe to you and to my country at large.

The motives which urged me to make it were the same desire of peace which actuated me in the former motion, if it could be preserved on honourable and safe terms, and if this were impossible, an anxious wish that the grounds of war might be just, clear, and intelligible.

If we or our ally have suffered injury or insult, or if the independence of Europe be menaced by inordinate and successful ambition, I know no means of preserving peace but by obtaining reparation for the injury, satisfaction for the insult, or security against the design, which we apprehend; and *I know no means* of obtaining any of these objects but by addressing ourselves to the power of whom we complain.

If the exclusive navigation of the Scheldt, or any other right belonging to the states general, has been invaded, the French executive council are the invaders, and of them we must ask redress. If the rights of neutral nations have been attacked by the decree of the 19th of November, the national convention of France have attacked them, and from that convention, through the organ by which they speak to foreign courts and nations, their minister for foreign affairs, we must demand explanation, disavowal, or such other satisfaction as the case may require. If the manner in which the same convention have received and answered some of our countrymen, who have addressed them, be thought worthy notice, precisely of the same persons, and in the same manner, must we demand satisfaction upon that head also. If the security of Europe, by any conquests made or apprehended, be endangered to such a degree as to warrant us, on the principles as well of justice as of policy, to enforce by arms a restitution of conquests already made, or a renunciation of such as may have been projected from the executive power of France, in this instance again, must we ask such restitution or such renunciation. How all, or any of these objects could be attained but by negociation, carried on by authorised ministers, I could not conceive.

I knew indeed that there were some persons whose notions of dignity were far different from mine, and who, in that point of view, would have preferred a clandestine to an avowed negociation; but I confess I thought this mode of proceeding neither honourable nor safe; and with regard to some of our complaints, wholly impracticable. — Not honourable, because to seek private and circuitous channels of communication seems to suit the conduct rather of such as sue for a favour than of a great nation which demands satisfaction. Not safe, because neither a declaration from an unauthorised agent, nor a mere gratuitous repeal of the decrees complained of, (and what more could such a negociation aim at?) would afford us any security against the revival of the claims which we oppose; and lastly, impracticable with respect to that part of the question which regards the security of Europe, because such security could not be provided for by the repeal of a decree or any thing that might be the result of a private negociation, but could only be obtained by a formal treaty, to which the existing French government must of necessity be a party; and I know of no means by which it can become a party to such a treaty, or to any treaty at all, but by a minister publicly authorised and publicly received. Upon these grounds, and with these views, as a sincere friend to peace, I thought it my duty to suggest, what appeared to me, on every supposition, the most eligible, and, if certain points were to be insisted upon, the only means of preserving that invaluable blessing.

But I had still a further motive; and if peace could not be preserved, I considered the measure which I recommended as highly useful in another point of view. To declare war, is, by the constitution, the prerogative of the king; but to grant or withhold the means of carrying it on, is (by the same constitution) the privilege of the people, through their representatives; and upon the people at large, by a law paramount to all constitutions — the law of nature and necessity, must fall the burdens and sufferings, which are the too sure attendants upon that calamity. It seems therefore reasonable that they who are to pay and to suffer should be distinctly informed of the object for which war is made, and I conceived nothing would tend to this information so much as an avowed negociation; because from the result of such a negociation, and by no other means could we, with any degree of certainty, learn how far the French were willing to satisfy us in all or any of the points which have been publicly held forth as the grounds of complaint against them. — If in none of these any satisfactory explanation were given, we should all admit, provided our original grounds of complaint were just, that the war would be so too: — if in some we should know the specific subjects upon which satisfaction was refused, and have an opportunity of judging whether or not they were a rational ground of dispute: — if in all, and a rupture were nevertheless to take place, we should know that the public pretences were not the real causes of the war.

In the last case which I have put I should hope there is too much spirit in the people of Great Britain to submit to take a part in a proceeding founded on deceit; and in either of the others,

whether our cause were weak or strong, we should at all events escape that last of infamies, the suspicion of being a party to the Duke of Brunswick's manifestoes*. But this is not all. Having ascertained the precise cause of war, we should learn the true road to peace; and if the cause so ascertained appear adequate, then we should look for peace through war, by vigorous exertions and liberal supplies: if inadequate, the constitution would furnish us abundance of means, as well through our representatives as by our undoubted right to petition king and parliament, of impressing his majesty's ministers with sentiments similar to our own, and of engaging them to compromise, or, if necessary, to relinquish an object, in which we did not feel interest sufficient to compensate to us for the calamities and hazard of a war.

To these reasonings it appeared to me that they only could object with consistency who would go to war with France on account of her internal concerns; and who would consider the re-establishment of the old, or at least some other form of government, as the fair object of the contest. Such persons might reasonably enough argue, that with those whom they are determined to destroy it is useless to treat.

To arguments of this nature, however, I paid little attention; because the eccentric opinion upon which they are founded was expressly disavowed both in the king's speech and in the addresses of the two Houses of Parliament: and it was an additional motive with me for making my motion, that, if fairly debated, it might be the occasion of bringing into free discussion that opinion, and of separating more distinctly those who maintained and acted upon it from others, who from different motives (whatever they might be) were disinclined to my proposal.

But if the objections of the violent party appeared to me extravagant, those of the more moderate seemed wholly unintelligible. Would they make and continue war till they can force France to a counter-revolution? No; this they disclaim. What then is to be the termination of the war to which they would excite us? I answer confidently that it can be no other than a negociation, upon the same principles and with the same men as that which I recommend. I say the same principles, because after war peace cannot be obtained but by a treaty, and a treaty necessarily implies the independency of the contracting parties. I say the same men, because though they may be changed before the happy *hour* of reconciliation arrive, yet that change, upon the principles above

* I have heard that the manifestoes are not to be considered as the acts of the illustrious prince whose name I have mentioned, and that the threats contained in them were never meant to be carried into execution. I hear with great satisfaction whatever tends to palliate the manifestoes themselves; and with still more any thing that tends to disconnect them from the name which is affixed to them, because the great abilities of the person in question, his extraordinary gallantry, and above all, his mild and paternal government of his subjects, have long since impressed me with the highest respect for his character; and upon this account it gave me much concern when I heard that he was engaged in an enterprize, where, according to my ideas, true glory could not be acquired.

stated, would be merely accidental, and in no wise a necessary preliminary to peace: for I cannot suppose that they who disclaim making war for a change would yet think it right to continue it till a change; or, in other words, that the blood and treasure of this country should be expended in a hope that—not our efforts—but time and chance may produce a new government in France, with which it would be more agreeable to our ministers to negociate than with the present. And it is further to be observed, that the necessity of such a negociation will not in any degree depend upon the success of our arms, since the reciprocal recognition of the independency of contracting parties is equally necessary to those who exact and to those who offer sacrifices for the purpose of peace. I forbear to put the case of ill success, because to contemplate the situation to which we, and especially our ally, might in such an event be placed, is a task too painful to be undertaken but in a case of the last necessity. Let us suppose, therefore, the skill and gallantry of our sailors and soldiers to be crowned with a series of uninterrupted victories, and those victories to lead us to the legitimate object of a just war, a safe and honourable peace. The terms of such a peace (I am supposing that Great Britain is to dictate them) may consist in satisfaction, restitution, or even by way of indemnity to us or to others, in cession of territory on the part of France. Now that such satisfaction may be honourable, it must be made by an avowed minister; that such restitution or cession may be safe or honourable, they must be made by an independent power, competent, to make them. And thus our very successes and victories will necessarily lead us to that measure of negociation and recognition which, from the distorted shape in which passion and prejudice represent objects to the mind of man, has by some been considered as an act of humiliation and abasement.

I have reason to believe there are some who think my motion unexceptionable enough in itself but ill-timed. The time was not in my choice. I had no opportunity of making it sooner; and, with a view to its operation respecting peace, I could not delay it. To me, who think that public intercourse with France, except during actual war, ought always to subsist, the first occasion that presented itself after the interruption of that intercourse seemed of course the proper moment for pressing its renewal. But let us examine the objections upon this head of time in detail. They appeared to me to be principally four——

1st. That by sending a minister to Paris at that period we should give some countenance to a proceeding *, most unanimously and most justly reprobated in every country of Europe.

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* Since this was written we have learned the sad catastrophe of the proceeding to which I alluded. Those, however, who feel the force of my argument, will perceive that it is not at all impaired by this revolting act of cruelty and injustice. Indeed, if I were inclined to see any connection between the two subjects, I should rather feel additional regret for the rejection of a motion which might have afforded one chance more of preventing an act concerning which (out of France) I will venture to affirm that there is not throughout Europe one dissentient voice.

To this objection I need not, I think, give any other answer than that it rests upon an opinion, that by sending a minister we pay some compliment, implying approbation, to the prince or state to whom we send him; an opinion which, for the honour of this country, I must hope to be wholly erroneous. We had a minister at Versailles when Corsica was bought and enslaved. We had ministers at the German courts at the time of the infamous partition of Poland. We have generally a resident consul who acts as a minister to the piratical republic of Algiers; and we have more than once sent embassies to emperors of Morocco, reeking from the blood through which by the murder of their nearest relations they had waded to their thrones. In none of these instances was any sanction given by Great Britain to the transactions by which power had been acquired, or to the manner in which it had been exercised.

2dly. That a recognition might more properly take place at the end, and as the result of a private communication, and (in the phrase used upon a former occasion) as the price of peace, than gratuitously at the outset of a negociation.

I cannot help suspecting that they who urge this objection have confounded the present case with the question formerly so much agitated of American independence. In this view they appear to me wholly dissimilar. I pray to God that in all other respects they may prove equally so. To recognize the Thirteen States, was in effect to withdraw a claim of our own, and it might fairly enough be argued that we were entitled to some price or compensation for such a sacrifice. Even upon that occasion I was of opinion that a gratuitous and preliminary acknowledgment of their independence was most consonant to the principles of magnanimity and policy; but in this instance we have no sacrifice to make, for we have no claim; and the reasons for which the French must wish an avowed and official intercourse can be only such as apply equally to the mutual interest of both nations, by affording more effectual means of preventing misunderstandings and securing peace.

I would further recommend to those who press this objection, to consider whether, if recognition be really a sacrifice on our part, the ministry have not already made that sacrifice by continuing to act upon the commercial treaty as a treaty still in force. Every contract must be at an end when the contracting parties have no longer any existence either in their own persons or by their representatives. After the 10th of August the political existence of Louis XVI., who was the contracting party in the treaty of commerce, was completely annihilated. The only question therefore is, Whether the executive council of France did or did not represent the political power so annihilated. If we say they did not, the contracting party has no longer any political existence either in his person or by representation, and the treaty becomes null and void. If we say they did, then we have actually acknowledged them as representatives (for the time at least) of what was the executive government in France. In this character alone do they claim to be acknowledged, since their very stile describes them as

a provisional executive council and nothing else. If we would preserve our treaty we could not do less; by sending a minister we should not do more.*

3dly. That our ambassador having been recalled, and no British minister having resided at Paris, while the conduct of the French was inoffensive with respect to us and our ally, it would be mortifying to send one thither, just at the time when they began to give us cause of complaint.

Mortifying to whom? Not certainly to the House of Commons, who were not a party to the recall of Lord Gower, and who, if my advice were followed, would lose no time in replacing him. To the ministers possibly†; and if so, it ought to be a warning to the House, that it should not, by acting like the ministers, lose the proper, that is, the first opportunity, and thereby throw extra difficulties of its own creation in the way of a measure in itself wise and salutary.

4thly. That by acting in the manner proposed we might give ground of offence to those powers with whom, in consequence, it might be prudent to form connection and alliance.

This [illegible] requires examination. Is it meant that [illegible] with France in its present state will offend the German powers, by shewing them that our ground of quarrel is different from theirs? If this be so, and if we adhere to the principles which we have publicly stated, I am afraid we must either offend or deceive, and in such an alternative I trust the option is not difficult.

If it be said that, though our original grounds of quarrel were different, yet we may, in return for the aid they may afford us in plumbing our objects, assist them in theirs of a counter-revolution, and enter into an offensive alliance for that purpose — I answer, that our having previously treated would be no impediment to such a measure. But if it were, I freely confess that this consideration would have no influence with me; because such an alliance, for such a purpose, I conceive to be the greatest calamity that can befall the British nation: for let us not attempt to deceive ourselves; whatever possibility or even probability there may be of a counter-revolution, from internal agitation and discord, the means of producing such an event by external force can be no other

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* If my argument is satisfactory, I have proved that we have recognised the executive council; and it is notorious, that through the medium of Mr. Chauvelin we have negociated with them. But although we have both negociated and recognized, it would be dishonourable, it seems to negociate in such a manner as to imply recognition. How nice are the points upon which great businesses turn! how remote from vulgar apprehension!

† I do not think it would have been mortifying even to them, because in consequence of the discussions which had arisen, a measure which had been before indifferent might become expedient; but as this point made no part of my consideration, I have not thought it incumbent upon me to argue it.

than the conquest of France. The conquest of France!!!—O! calumniated crusaders, how rational and moderate were your objects!—O! much injured Louis XIV. upon what slight grounds have you been accused of restless and immoderate ambition!—O! tame and feeble Cervantes, with what a timid pencil and faint colours have you painted the portrait of a disordered imagination!

I have now stated to you fully, and I trust fairly, the arguments that persuaded me to the course of conduct which I have pursued. In these consists my defence, upon which you are to [illegible] and I hope I shall not be thought presumptuous when I [illegible] that I expect with confidence a favourable verdict.

[illegible] reasonings which I have adduced full of convincing you, [illegible] indeed that I shall be disappointed, because to my un[illegible] they appear to have more of irrefragable demonstra[illegible] that can often be hoped for in political discussions; but [illegible] in this case, if you see in them probability sufficient to induce [illegible] believe that, though not strong enough to convince you, [illegible] and not any sinister or oblique motives, did in fact actuate [illegible] have still gained my cause; for in this supposition, though [illegible] propriety of my conduct may be doubted, the rectitude of my [illegible] must be admitted.

[illegible] wing therefore the justice and candour of the tribunal to [illegible] I have appealed, I wait your decision without fear.—Your [illegible] bation I anxiously desire, but your acquittal I confidently [illegible]

[illegible] for my supposed misconduct by some of my friends, [illegible] renounced by others, attacked and misrepresented by my [illegible]—to you I have recourse for refuge and protection; and [illegible] that if I had shrunk from my duty I should have [illegible] your censure, I feel myself equally certain that by acting [illegible] conformity to the motives which I have explained to you, I [illegible] no degree have forfeited the esteem of the city of West[illegible] which it has so long been the first pride of my life to [illegible] and which it shall be my constant endeavour to preserve.

C. J. FOX.

South Street, Jan. 26, 1793.

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